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CHAPTER THIRTY-EIGHT: WHAT EXACTLY IS IJTIHĀD? ITS CLARIFICATION, AND WHO IS EXCUSED WITH HIS IJTIHĀD AND WHO IS NOT EXCUSED WITH IT, AND WHOSE IJTIHĀD IS WITH CERTAINTY DECLARED MISTAKEN WITH ALLĀH WHERE HIS IJTIHĀD LED TO AND WHOM NO CERTAINTY IS MADE THAT HE IS MISTAKEN WITH ALLĀH EVEN IF WE OPPOSE HIM 434



## Section: Verses Regarding The Examples Put Forth By Allāh

Before everything, there is a clear difference between *qiyās* and *amthāl* (examples/parables). A parable/example (*mathal*) is the approximation of the abstract essence of an existing, known-to-exist thing to the abstract essence of another existing, known-to-exist thing. As for *qiyās*, it is the approximation of the abstract essence of a non-existent thing or something disputed in its existence to the abstract essence of an existing, known-to-exist thing. So, it is false in any case to say that the parables/examples in the Qur'ān and Sunnah fall under *qiyās*. Examples cannot be denied by anyone because they are truthful in both of their components (i.e., the things being compared are both real). As for *qiyās*, anyone can reject the thing being analogized because it does not exist in reality and is merely a conceptualization. Parables are presented to approximate the abstract essence of something that exists, while *qiyās* is used to establish something that does not exist.

They mention the verse, "Have they not travelled through the earth, and seen what was the end of those before them? Allāh destroyed them completely, and a similar (fate awaits) the disbelievers" [47:10].

They say, "Allāh told us that the ruling of a thing must be that which is similar to it. Everywhere Allāh ordered us to travel, it indicates I ' $tib\bar{a}r$  and to be cautious from falling into what the ones that are mentioned in the verses fell into. This is why Allāh ordered those of vision to have I ' $tib\bar{a}r$  from that which happened to those who belied. If it would not be the case that the ruling of a thing must be that which is similar to it, I ' $tib\bar{a}r$  would not be possible. They are the asl, we are the far', the 'illah is sins and the hukm is the destruction."

The answer: Claiming  $qiy\bar{a}s$  here is a lie attributed to Allāh the Most Exalted because it implies that the only reason we will be punished by Allāh is because of the reason those before us were punished and that we would not be punished if they would not be punished. This is something Allāh has not

said about himself so it is not allowed to affirm this about him. It is impossible for them to be the *aṣl* and us to be the *far* ' as we know with certainty from other texts that Allāh will punish for sins in general as he wills, not because of the reason the nations before us were punished for their sins. This verse and all other similar verses oblige nothing other than reflecting to return to obedience to Allāh only.

They also mention the verse, "Verily, the likeness of Jesus before Allāh is the likeness of Ādam. He created him from dust, then (He) said to him, 'Be!' - and he was" [3:59].

They say, "Allāh told us that Jesus is the same as Ādam so they both have similarities. How can the existence of Jesus without a father be criticized by one who acknowledges the existence of Ādam without a father or mother? And the existence of Eve without a mother?"

The answer: This is from the greatest evidences that invalidate *qiyās*, because Allāh did not because of that similarity make them the same in ruling nor reveal similar rulings, He instead revealed to both of them a complete different *sharī'ah*. Allāh says, "To each of you, We have prescribed a law and a clear way" [5:48]. Because *qiyās* is a ruling because of a similarity and Allāh did not because of that similarity make them the same. Allāh mentioned and made a similarity as He willed. Allāh mentioned no *'illah*, there is also no *aṣl* and no *far'*.

They also mention the verse, "Have they not seen how many a generation before them We have destroyed whom We had established on the earth such as We have not established you? And We poured out on them rain from the sky in abundance, and made the rivers flow under them. Yet We destroyed them for their sins, and We created after them other generations" [6:6].

They say, "So He mentioned, glorified be He, the destruction of the generations before us, and clarified that it was because of *qiyās*, which is their sins. They are the *aṣl* and we are the *far'*, and the sins are the *'illah*, and the judgment is the destruction. This is purely *qiyās al-'illah*, and He, glorified be He, confirmed it with a precedent, which is that those before us were stronger than us, so their strength and severity did not protect them from what befell them."

They also mention the verse, "Like those before you: they were mightier than you in power, and more abundant in wealth and children. They had enjoyed their portion (awhile), so enjoy your portion (awhile) as those before you enjoyed their portion (awhile); and you indulged in play and pastime (and in telling lies against Allāh and His Messenger) as they indulged in play and pastime. Such are they whose deeds are in vain in this world and in the Hereafter. Such are they who are the losers" [9:69].

They say, "The intended meaning is that He, glorified be He, associated them with them in the warning, and made them equal in it as they were equal in actions. And them being stronger than them in strength and had more wealth and children, was not an effective difference, and the effect that made no difference was ignored. Then he pointed out that their participation in actions necessitated their participation in the punishment as he said, 'So enjoy your portion (awhile) as those before you enjoyed their portion (awhile); and you indulged in play.' That is the effective 'illah and, 'Such are they whose deeds are in vain in this world and in the Hereafter.' Is the ruling. Those who were in the past are the aṣl and the ones that are addressed are the far', so it is established that a ruling of a thing is that which is similar to it."

They also mention the verse, "Has not the story reached them of those before them? - The people of Nūḥ, 'Ād, and Thamūd, the people of Ibrāhīm, the dwellers of Madyan and the cities overthrown; to them came their Messengers with clear proofs. So it was not Allāh Who wronged them, but they used to wrong themselves." [9:70].

They say, "Notice the correctness of his *qiyās*. The *aṣl* and the *far*' have been associated with the punishment and he ascertained with an example of something more deserving than the remaining, which is the severity and abundance of wealth and children. It is not difficult in any way for Allāh to punish the strongest ones among them for their sin, then how could it be of any difficulty to punish those lower than them?"

They also mention the verse, "Nay, they have belied the knowledge whereof they could not comprehend and what has not yet been fulfilled (i.e. their punishment). Thus those before them did belie. Then see what was the end of the  $z\bar{a}lim\bar{u}n$  (polytheists and wrong-doers)!" [10:39].

They say, "So he told us that those before us belied are an a 
otin l from who we must take  $I'tib\bar{a}r$  and far' is us, as we associates them in meaning he also associates them in the ruling which is the punishment."

The answer: This is from the exact same claims as just before, the claim that we are the far' and they the asl is a false claim. They do not differ that Allāh did not begin the punishment for sins because of the reason this exact nation sinned. He, instead punishes everyone in general for sins however He wills. As this is the case without any possible way for disagreement, it is

established that Allāh did not initiate punishing mankind for sins only because of the reason a nation began to sin, but because of sins in general, claiming otherwise is a lie attributed to Allāh as it is something he has not said about himself. There is no indication in this verse and the ones before except reflecting to abstain from sins.

The one who claims this is  $qiy\bar{a}s$  has no idea what  $qiy\bar{a}s$  is. It is very evident that this is not  $qiy\bar{a}s$ , because we do not reject the possibility of a similarity between matters, this is not  $qiy\bar{a}s$ . What we do reject is  $qiy\bar{a}s$ , which is creating rulings for issues that have no texts for them from the words of Allāh and His Messenger because of the reason they have the same 'illah. There is no asl, no far', no 'illah and no hukm stated in any of this.

They are asked: Assume there is a person that is known to shoot vicious animals because they attack. The second vicious animal that he killed, was it only because of the reason the first vicious animal attacked or is it because this person shoots vicious animals in general because they attack? No one with a modicum amount of comprehension would say, "He did qiyās and shot the second vicious animal because of the first one was only not because he shoots vicious animals that attack in general." So If we were to then ask them: Did Allāh use *qiyās* or did he not use *qiyās*? They would not differ that He the Almighty did not use *qiyās* and do this because of *qiyās*. Claiming this is *qiyās* implies that  $qiy\bar{a}s$  is possible from an asl to another asl as all of it is already from the words of Allāh and His Messenger, they do not differ that this is impossible. As they concur that this is impossible, it is established that Allāh and His Messenger also never indicated that we must create rulings for new issues that are not covered by the Qur'ān and sunnah, and that it is not possible to deduct *qiyās* from their words because all of it is moving an *asl* to another aṣl, while qiyās is moving a far 'to an aṣl. As this is also established we know with certainty that when Allah tells us that he punishes nations, that he does not do it again with other nations only because of the reason one nation sinned nor the previous, but that he does it in general and this invalidates all of their claims because it is impossible then for that to be qiyas, according to their own conditions as we clarified in the chapter regarding the conditions of qiyās. The same answer applies to all other similar verses where they claim qiyas.

They also mention the verse, "Indeed, We have sent to you a Messenger as a witness upon you just as We sent to Fir'awn a messenger. But Fir'awn disobeyed the messenger, so We seized him with a ruinous seizure [73:1516].

They say, "So he the Most Exalted told us he sent a Messenger just as he sent Mūsā to Fir'awn and that Fir'awn disobeyed the Messenger and that he was seized with a ruinous seize for that. The ones that disobey Muḥammad receive the same ruling as him."

The answer: There is nothing in this verse other than that the Messenger was sent and that one was sent to Fir awn, and that Fir awn disobeyed the Messenger and that he was for that seized with a ruinous seizure. Allāh did not ever say that because of the reason Mūsā was disobeyed that those who disobey Muḥammad receive the same ruling. Otherwise those who disobeyed the Prophets before Mūsā would not be punished, so we know with certainty that punishments for disobedience is general as Allāh wills. Allāh did not say that he sent a Messenger because of the reason Mūsā was sent to Fir awn. There is no aṣl, no far and also no 'illah.

They also mention the verse, "And among His Signs (in this), that you see the earth barren; but when We send down water (rain) to it, it is stirred to life and growth (of vegetations). Verily, He Who gives it life, surely, is Able to give life to the dead (on the Day of Resurrection). Indeed He is Able to do all things" [41:39].

They say, "Allāh indicated by him giving life which they witness, the giving of life which they seek to distance themselves from (resurrection after death). This is a *qiyās* from giving life to another giving life. It is *I'tibār* of a thing with that which it is similar with. The implied 'illah is the general ability of Allāh the Most Exalted and His perfect Wisdom, giving life to a land is the evidence for the 'illah."

They also mention the verse, "He brings out the living from the dead, and brings out the dead from the living. And He revives the earth after its death. And thus shall you be brought out (resurrected)" [30:19].

They say, "He indicated the same ruling due to it being similar. He associated them, they shall be brought out the earth just as the living comes from the dead and the dead from the living."

The answer: The claims that these verses are about *qiyās* are all false. Because Allāh did not say that he will give life to the dead on the Day of Resurrection because of the reason he is able to give life to a barren land. There is only mention in it that Allāh, the Most Exalted, who is able to do anything, is able to give life to a barren land and is able to give life to the dead on the Day of Resurrection. Claiming this is *qiyās* is nothing but attributing a lie to Allāh, because the one that says that claims Allāh can only give life to

the dead on the Day of Resurrection because of the reason he gave life to a dead land. We ask them: Do you accept that Allāh gives life on the day of resurrection only because of the reason he can give life to a dead land? If they say, 'Yes.' They have ascribed a lie to Allāh, and if they say, 'No.' They have returned to the truth. None of them in reality accept that this is the reason or that he does this from this *aṣl*. This verse instead invalidates *qiyās* because Allāh did not because of that make them the same in ruling, because the dead brought out from the living, the living brought out from the dead and the revival of the earth after its death have without any doubt all different rulings, and none of them have one ruling which they are the same in because of this example.

This correct understanding, which no one is allowed to oppose also applies to the verse, "Does man think that he will be left neglected. Was he not been a sperm from semen emitted? Then he was a clinging clot, then [Allāh] created [his form] and proportioned [him]. And made of him two sexes, male and female. Is not that [Creator] Able to give life to the dead" [75:36-40].

And the verse, "And it is He Who sends the winds as heralds of glad tidings, going before His Mercy (rain). Till when they have carried a heavyladen cloud, We drive it to a land that is dead, then We cause water (rain) to descend thereon. Then We produce every kind of fruit therewith. Similarly, We shall raise up the dead, so that you may remember or take heed. The vegetation of a good land comes forth (easily) by the Permission of its Lord; and that which is bad, brings forth nothing but (a little) with difficulty. Thus do We explain variously the  $\bar{a}y\bar{a}t$  for a people who are grateful" [7:57-58].

They claim similarly as before, "So He informed us that there are two kinds of giving life: one based from *I'tibār* and *qiyās* from the other. Then He mentioned another *qiyās* that from the earth good vegetation comes forth when watered by His permission, while there are lands that produce nothing except what is bitter, meaning little benefit from it. So when rain falls upon it, it does not produce what the good land produces. So, He likened the revelation sent down from the sky to the hearts with the water that brings forth life, both for this and that. And He likened the hearts to the land, as it is the place of actions just as the land is the place of plants. And indeed, the heart that does not benefit from the revelation, does not purify through it, and does not believe in it is like the land that does not benefit from the rain and does not produce its plants except a little, which is of no use. And the heart that believes

in the revelation, purifies through it, and acts upon it is like the land that brings forth its vegetation through the rain. So when the believer hears the Qurʿān, reflects upon it, and ponders over it, its effect is evident on him. He is likened to the good land that is irrigated and fertilized, and the impact of the rain on it is good, so it produces from every noble kind. And turning away from the revelation is the opposite."

They also mention the verse, "O mankind! If you are in doubt about the Resurrection, then verily We have created you from dust, then from a *nutfah* (mixed drops of male and female sexual discharge i.e. the offspring of Ādam), then from a clot (a piece of thick coagulated blood) then from a little lump of flesh - some formed and some unformed (as in the case of miscarriage) - that We may make (it) clear to you (i.e. to show you Our Power and Ability to do what We will). And We cause whom We will to remain in the wombs for an appointed term, then We bring you out as infants, then (give you growth) that you may reach your age of full strength. And among you there is he who dies (young), and among you there is he who is brought back to the miserable old age, so that he knows nothing after having known. And you see the earth barren, but when We send down water (rain) on it, it is stirred (to life), and it swells and puts forth every lovely kind (of growth)" [22:5].

They say, "If you are in doubt about the resurrection, then surely you are not in doubt about being created. You are not in doubt about the transition from one state to another until death. And the resurrection that you have been promised is similar to the first creation. They are similar in possibility and occurrence. Your return after death is a new creation, just like the first creation which you do not doubt. So, how can you deny one of these creations while witnessing that which is similar to it? Indeed, Allāh the Most Exalted has reiterated and elaborated on this meaning in His book with the most concise expressions, the clearest evidence, the most eloquent speech, the firmest basis for excuse, and the strongest argument."

And they mention the verse, Then tell Me (about) the (human) semen that you emit. Is it you who create it, or are We the Creator? We have decreed death to you all, and We are not outstripped, To transfigure you and create you in (forms) that you know not. And indeed, you have already known the first form of creation: why then do you not remember (or take heed)?" [56:58-62].

They say, "He indicated using the first form of creation, the second one, if they would they heed they would know that there is no difference between them."

And they mention the verse, "Do they not see that Allāh, who created the heavens and earth, is [the one] Able to create the likes of them? And He has appointed for them a term, about which there is no doubt. But the wrongdoers refuse except disbelief" [17:99].

They say, "What is meant is that Allāh indicated using the creation on the heavens and earth the resurrection and affirmed this qiyās in a manner of alawla. Which is that the creation of the heavens and earth is greater than the creation of mankind, so the one that is able to create what is greater than you is most able to create you. The first creation is not any more difficult for him than the resurrection. So the deniers of the resurrection will not deny it except by simply rejecting Allāh and His messengers, and by attempting to limit His power and attributing His actions to deficiency, and by casting doubt on His wisdom. So Allāh, exalted be He, informs us that whoever denies this is an infidel. As Allāh says, 'Say, 'Travel in the land and see how (Allāh) originated the creation, and then Allah will bring forth the creation of the Hereafter" [29:20]. And He says, 'Do you disbelieve in Him Who created you out of dust then out of mixed semen drops of male and female discharge, then fashioned you into a man?' [18:37]. And He says, 'He brings out the living from the dead, and brings out the dead from the living. And He revives the earth after its death. And thus shall you be brought out (resurrected)" [30:19].

And they mention the verse, "And (remember) the Day when We shall roll up the heaven like a scroll rolled up for books. As We began the first creation, We shall repeat it" [21:104].

They say, 'The ruling of a thing is that which is similar to it."

And they mention the verse, "So let man see from what he is created! He is created from a water gushing forth, Proceeding from between the backbone and the ribs. Verily, (All $\bar{a}h$ ) is Able to bring him back (to life)!

The Day when all the secrets will be examined" [86:5-9].

And the verse, "Then let man look at his food: We pour forth water in abundance. And We split the earth in clefts. And We cause therein the grain to grow, And grapes and clover plants And olives and date-palms, And gardens dense with many trees, And fruits and herbage" [80:24-31].

They say, "So He, glorified be He, made the similarity of bringing out his food from the earth as evidence to bringing him out after his death, a ruling based from a similarity."

The answer: The exact same answer applies for these cases. As clarified before, claiming Allāh used  $qiy\bar{a}s$  here is a lie attributed to him, it implies that

he only will give life on the Day of Resurrection because he is able to proportion mankind, this is something He, the Most Exalted has never said about himself. There is then no far returned to an a 
otin I f they claim that the day of Resurrection is the far, Then this far is returned to multiple a 
otin I such as to giving life to a barren land, proportioning mankind. And also if they affirm that these are the a 
otin I so which this exact far is returned to, then it implies according to them that if Allāh would not put forth the examples of giving life to a barren land, or about proportioning mankind that he would not have given life on the day of Resurrection.

Allāh instead put forth the example however he willed, and the examples put forth by Allāh are the absolute truth. There is nothing in these verses other than reflecting in order to return to obedience to Allāh only, without any order for us to create rulings ourselves. There is no composition more false than that any of these mean the order to draw  $qiy\bar{a}s$  from the issue of corn to the ruling of wheat.

What is not rejected without any doubt is that a creation can indicate something, if it is exactly as Allāh has said. Allāh is in general able to create anything however He wills. Even if Allah had told us that he will give life to the dead on the day of Resurrection because of the reason he gave life to mankind the first time, this would then  $qiy\bar{a}s$ . We do not reject that rulings can have reasons, just as here the reason of the Day of Judgment would have a reason. What we only reject is moving that reason to where it is not mentioned to create another ruling, such as if someone would say, "Because of this reason there is a third Day of Judgment." This is something impossible and is apostasy without any doubt, while that would be only possible through  $qiv\bar{a}s$ . And if these verses would indicate  $qiy\bar{a}s$  then the creation would be repeated a third time and a fourth time, and this belief is apostasy without any doubt, from their own conditions is that an 'illah must be consistent, if they claim these verses are  $qiy\bar{a}s$  then it implies that they belief the creation is repeated a third time, fourth time and so on. This is something none of them belief in reality which clearly indicates them forsaking *qiyās*. And as they do not belief in this, these verses in reality invalidate qiyās because Allāh did not for that reason say that he will repeat the creation a third time and a fourth time.

If these verses would be  $qiy\bar{a}s$ , and they concur that the Day of Judgment is the asl as they claim and the food a far, then the rulings of food would be applied to the Day of Judgment. It is impossible for any of these verses to be  $qiy\bar{a}s$  because not a single ruling in the first place and the second on the Day

of Judgment are made similar because of the reason of these examples without any difference of opinion, and a claim of such is a claim without knowledge and a lie attributed to Allāh, the Most Exalted.

And also these verses all invalidate  $qiy\bar{a}s$  because the rulings of the first life and the life on the Day of Judgment are completely different such as that there is after that Day eternity, while this without any doubt not in the first life.

If verses such as, "The likeness of the two parties is as the blind and the deaf and the seer and the hearer. Are they equal when compared? Will you not then take heed?" [11:24] would ever indicate  $qiy\bar{a}s$ , then every blind and deaf would take the rulings of the infidels, which is something that no one has ever uttered before, we know that as Allāh did not make them the same in ruling because of this example, that Allāh has in reality invalidated  $qiy\bar{a}s$ , as this is what  $qiy\bar{a}s$  is and he never ordered its implications here and also not in any of the verses they mentioned before.

We do not ever reject that everything in the world resembles something in at least one aspect, none of a similarity alone is related to  $qiy\bar{a}s$ , something is only  $qiy\bar{a}s$  when because of a similarity a ruling is made the same. Allāh the Most Exalted did not clarify in it the forty conditions for a valid  $qiy\bar{a}s$ , he also did not indicate its permissibility and also did not order it, there is no other possibility, this is the truth which no one is allowed to oppose.

This correct understanding applies also for the verse, "And that He creates the pairs, male and female, From *nutfah* (drops of semen - male and female discharges) when it is emitted" [53:45-46]. And the verse, "Until, when they have carried heavy rain clouds, We drive them to a dead land and We send down rain therein and bring forth thereby [some] of all the fruits. Thus will We bring forth the dead; perhaps you may be reminded" [7:57]. And the verse, "And you see the earth barren, but when We send down upon it rain, it quivers and swells and grows [something] of every beautiful kind" [22:5]. And the verse, "And it is Allāh who sends the winds, and they stir the clouds, and We drive them to a dead land and give life thereby to the earth after its lifelessness. Thus is the resurrection" [35:9]. And the verse, "And We have sent down blessed rain from the sky and made grow thereby gardens and grain from the harvest And lofty palm trees having fruit arranged in layers - As provision for the servants, and We have given life thereby to a dead land. Thus is the emergence [i.e., resurrection]" [50:9-10]. And the verse, "And they will



say: 'Who will restore us? Say, 'He who brought you forth the first time'" [17:51].

These verses and all verses similar to it fall into the same category as those we mentioned earlier which we clarified in great detail when we discussed the verse of I'tibar. Anyone who uses these verses to affirm qiyas for ahkām is either a blind jāhil who does not know what qiyās is or uses it by deception, or someone that does not care and says whatever he wishes. Allāh only tells that he gives life to the dead and is able to do anything, not some, and not that he does what he does because of a *qivās*, also not that Allāh needs *qivās* to do it, and also not that he uses it. And also no order for us to use *qiyās*, there is also nothing clarified about *qiyās*. If it would be *qiyās* then Allāh would as we mentioned previously, give life to the dead every year in the beginning of spring and let them die at the beginning of winter. Allāh the Most Exalted only says that he gives life to the earth and life to the dead and is able to do both and beyond that, not that he is able to do a matter because of the exact reason he is able to give life to the other. The same correct understanding applies for the verse, "And man [the disbeliever] says, 'When I have died, am I going to be brought forth alive?' Does man not remember that We created him before, while he was nothing?" [19:66-67]. All of this is against qiyās because Allāh never said that he will bring us forth the second time from semen, soil, or a clinging substance. This verse is only for us to reflect on the might of Allah and that he can do however he wills and say as he wills, none is worthy of worship except Allāh alone. These verses are the same as the ones before. That humans did not exist and were then created by Allāh, And Allāh also never said that it would return to that nonexistence ever as there is after judgment day only eternity without an end and no perishing, either in bliss or in punishment. The same correct understanding applies for the verse, "Are you a more difficult creation or is the heaven? He [Allāh] constructed it. He raised its ceiling and proportioned it" [79:27-28]. Allāh only clarifies his might from what we can see and from what he told us from which we cannot see and this is again from what is against *qiyās* because *qiyās* is only giving the same ruling if the 'ilal between two issues are similar and there is not given here the same ruling for that, these are the same for all similar verses such as, "And present to them the example of the life of this world, [its being] like rain which We send down from the sky, and the vegetation of the earth mingles with it and [then] it becomes dry remnants, scattered by the winds. And Allāh is ever, over all things, Perfect in Ability" [18:45]. And the verse, "Indeed, We have tried them as We tried the companions of the garden, when they swore to cut its fruit in the [early] morning Without making exception" [68:17]. And the verse, "Such is the punishment (in this life), but truly, the punishment of the Hereafter is greater if they but knew" [68:33].

No comparison is more similar than when Allāh makes them similar to each other, Allāh made the life of this world similar to plants growing from water in verse, "The life of this world is just like rain We send down from the sky, producing a mixture of plants which humans and animals consume. Then just as the earth looks its best, perfectly beautified, and its people think they have full control over it, there comes to it Our command by night or by day, so We mow it down as if it never flourished yesterday! This is how We make the signs clear for people who reflect" [10:24]. And other examples which never implied that because of it being similar, that it also must have the same ruling. This then indicates the falsehood of *qiyās* because Allāh did not with these examples oblige the same rulings between which is the exact meaning of *qiyās*.

If Allāh makes matters similar that is the best of similarities and that is when things become the most similar to each other. The same applies for the verse, "And their description in the Gospel is as a plant which produces its offshoots and strengthens them so they grow firm and stand upon their stalks, delighting the sowers - so that He [Allāh] may enrage by them the disbelievers" [48:29].

That plant which produces its offshoots is not something that worships and also not something that will get judged for its actions in the hereafter, the people that are resembled to the plant are without a doubt much different from it they worship and will get judged for all their actions unlike plants. So this has nothing to do with  $qiy\bar{q}s$ , and also has not a single indication for  $qiy\bar{q}s$  and it invalidates the method of  $Q\bar{a}'is\bar{u}n$  as there was not necessitated similar rulings for what they been made similar for. And also the verse, "The likeness of those who take (false deities as) protectors, helpers other than Allāh is the likeness of a spider who builds (for itself) a house; but verily, the frailest (weakest) of houses is the spider's house - if they but knew" [29:41]. The infidels are not made the same ruling as spiders, so it invalidates  $qiy\bar{a}s$ , only a similarity between them is mentioned. This also applies for the verse, "As for those who disbelieve, their deeds are like a mirage in a desert. The thirsty one thinks it to be water until, when he comes with it, he finds it to be nothing;

but he finds Allāh with him, Who will pay him his due (Hell). And Allāh is Swift in taking account. Or [the state of a disbeliever] is like the darkness in a vast deep sea, overwhelmed with waves topped by waves, topped by dark clouds, (layers of) darkness upon darkness: if a man stretches out his hand, he can hardly see it! And he for whom Allāh has not appointed light, for him there is no light" [24:39-40].

The rulings of a mirage on a desert is not made the same to the infidel, which invalidates  $qiy\bar{a}s$ , there is only a similarity mentioned between them.

The same correct understanding applies for the verse, "Allāh is the Light of the heavens and the earth. The parable of His Light is as (if there were) a niche and within it a lamp: the lamp is in a glass, the glass as it were a brilliant star, lit from a blessed tree, an olive, neither of the east (i.e. neither it gets sunrays only in the morning) nor of the west (i.e. nor it gets sunrays only in the afternoon, but it is exposed to the sun all day long), whose oil would almost glow forth (of itself), though no fire touched it. Light upon Light! Allāh guides to His Light whom He wills. And Allāh sets forth parables for mankind, and Allāh is All-Knower of everything" [24:35]. And the verse, "Or do you think that most of them hear or understand? They are only like cattle - nay, they are even farther astray from the Path" [25:44].

The same correct understanding applies for the verse, "He sets forth for you a parable from your own selves: Do you have partners among those whom your right hands possess (i.e. your slaves) to share as equals in the wealth We have bestowed on you whom you fear as you fear each other? Thus do We explain the signs in detail to a people who have sense" [30:28].

And the verse, "Was he not been a sperm from semen emitted? Then he was a clinging clot, and [Allāh] created [his form] and proportioned [him]. And made of him two sexes, male and female. Is not that [Creator] Able to give life to the dead?" [75:37-40].

And the verse, "And he puts forth for Us an example, and forgets his own creation. He says: 'Who will give life to these bones after they are rotten and have become dust?' Say, 'He will give life to them Who created them for the first time! And He is the All-Knower of every creation!' He Who produces for you fire out of the green tree, when behold you kindle therewith. Is not He Who created the heavens and the earth, Able to create the like of them? Yes, indeed! He is the All-Knowing Supreme Creator. Verily, His Command, when He intends a thing, is only that He says to it, 'Be!' - and it is! So glorified be

He and exalted above all that they associate with Him, and in Whose Hands is the dominion of all things: and to Him you shall be returned" [36:78-83].

And the verse, "And man (the disbeliever) says, 'When I am dead, shall I then be raised up alive?' Does not man remember that We created him before, while he was nothing?" [19:66-67].

And the verse "And they say, 'When we are bones and fragments (destroyed), should we really be resurrected (to be) a new creation?" [17:49].

And the verse, "Say, 'Be you stones or iron or some created thing that is yet greater (or harder) in your breasts (thoughts to be resurrected, even then you shall be resurrected).' Then, they will say, 'Who shall bring us back (to life)?' Say, 'He Who created you first!'" [17:50-51].

And the verse, "When we are bones and fragments (destroyed), should we really be resurrected (to be) a new creation?" [17:49].

And the verse, "Verily, the likeness of (this) worldly life is as the water (rain) which We send down from the sky; so by it arises the intermingled produce of the earth of which men and cattle eat: until when the earth is clad in its adornments and is beautified, and its people think that they have all the powers of disposal over it, Our Command reaches it by night or by day and We make it like a clean-mown harvest, as if it had not flourished yesterday! Thus do We explain the verses in detail for the people who reflect. Allāh calls to the Home of Peace (Paradise) and guides whom He wills to the Straight Path" [10:24-25].

No one ever rejects Allāh setting forth examples except an infidel. Instead Allāh set forth examples of farms like the earth and the acts of infidels like a mirage in a desert and the oppressors like the previous nations. Allāh set forth numerous examples, whoever turns away from these exact examples that are brought forth by Allāh, which are the best of examples and transgresses by prohibiting the selling of dry meat except with equal exchange, claiming it to  $rib\bar{a}$  or transgresses to the point where he claims the wife of the husband, who the husband had intercourse with during the daytimes of  $ramad\bar{a}n$  has to free a slave. Or transgresses to the point where mahr cannot be except ten dirhams or four dinars. Or transgresses to the point where the one doing sodomy is lashed the same lashes as  $zin\bar{a}$  attributes many lies against the  $shar\bar{a}$  with this false method of many false matters. There is no difference in claiming these verses to mean the opposite of what they claim. Allāh sets forth examples, and the examples he sets forth are all truth and the best of examples and we say exactly as Allāh has said because of it being matters that is said

by Allāh. And we also say that which is the truth which no one is ever allowed to oppose and that is that it is not allowed for us to transgress anything where Allāh made the example to be for many reasons, among them is it attributing a lie to Allāh with no knowledge and affirming it is affirming speculations and assumptions. And not only does giving examples have nothing to do with the istilāhī meaning of qiyās but if Allāh, who is the best of giving examples, creator of everything gives, free from any ignorance and any deficiency an example, it does not mean that it is allowed for us to create rulings ourselves because we are not free from deficiency and we are not ordered to do it, we can never be certain of the correctness of anything except if it is from what Allāh has revealed and to his Messenger. ## The verses they cite is against them not for them as there is rejection in it for questioning the actions of Allāh and ta 'līl is part of qiyās which is questioning the actions of Allāh. That which confirms the correctness of our view further is that Allāh, the Most Exalted said, "So, do not put forward similitudes for Allāh (as there is nothing similar to Him, nor He resembles anything). Truly! Allāh knows and you know not" [16:74].

And He said, "Look how they strike for you comparisons; but they have gone misguided, so they cannot find the (right) way" [17:48].

And He said, "And if one of them is informed of the news of that which he sets forth as a parable to the Most Gracious (Allāh), his face becomes dark, and he is filled with grief!" [43:17].

And He said, "Or they say, 'He (the Prophet) forged it (the Qur'ān).' Say, 'Then produce ten forged Surahs like it, and seek [for it] help from whomsoever you can, other than Allāh, if you speak the truth!" [11:13].

And He says, "Or do they say, 'He (the Prophet) has forged it (the Qur'ān)?' Nay! They believe not! Let them then produce anything like it, if what they are truthful" [52:33-34].

They also mention the verse, "Allāh puts forward the example of (two men - a believer and a disbeliever); a slave (disbeliever) under the possession of another, he has no power of any sort, and (the other), a man (believer) on whom We have bestowed a good provision from Us, and he spends thereof secretly and openly. Can they be equal? (By no means). All the praises and thanks are to Allāh. Nay! (But) most of them know not. And Allāh puts forward (another) example of two men, one of them dumb, who has no power over anything (disbeliever), and he is a burden on his master; whichever way

he directs him, he brings no good. Is such a man equal to one (believer) who commands justice, and is himself on the Straight Path?" [16:75-76].

They say, "There is *qiyās al-'aqs* here. The first example Allāh put forward of himself to idols. Allāh is the owner of everything and gives whatever he wills to his slaves, while idols in the other hand are owned and are unable to do anything, so how can they make partners for Allāh and worship other than Allāh with that clear difference."

The answer: What has been clarified before in detail applies here as well. And it is from their own conditions for  $qiy\bar{a}s$  that it must not be something that is already known in general before moving the far to the asl. And it is known that Allāh is the owner of everything and that he gives whatever he wills to his slaves before idols became owned by mankind.

They also mention the verse, "Then what is wrong with them (the infidels) that they turn away from (receiving) admonition? As if they were (frightened) wild donkeys" [74:49-50].

And they mention the verse, "The likeness of those who were entrusted with the Torah (to obey its commandments and to practice its laws), but who subsequently failed in those (obligations), is as the likeness of a donkey which carries huge burdens of books (but understands nothing from them). How bad is the example of people who deny the  $\bar{a}y\bar{a}t$  of Allāh. And Allāh guides not the people who are wrong-doers" [62:5].

They say, "So Allāh did *qiyās* and likened whoever was entrusted with His book to believe in it, ponder over it, act upon it, and invite others to it, then contradicted that and did not carry it except on the back of a heart, to the reading of it without reflection, understanding, or following it, nor making judgments based on it, nor acting in accordance with its requirements, like a donkey carrying volumes on its back, unaware of their content, and its share of them is nothing but carrying them on its back. So, his share of the Book of Allāh is like the share of this donkey of the books on its back. This example, even though it was given concerning the Jews, is applicable in meaning to whoever carried the Qurʿān but abandoned acting upon it, did not fulfill its rights, and did not properly care for it."

They also say, "He likened them in their turning away from and aversion to the Qur'ān to the reaction of donkeys when they see a lion or a shooter, so they flee from it. This is from the ingenious analogy and simile. For indeed, the people, in their ignorance of what Allāh has sent His messenger with, are like donkeys that do not understand anything. So when they hear the roar of

the lion or the sound of shooting, they flee from it in utmost aversion. This is the extreme condemnation for these people, for they have turned away from the guidance in which their happiness and life lie, just as camels flee from what destroys and cripples them."

The answer: If this would be  $qiy\bar{a}s$ , then the infidels take the same rulings as donkeys and according to the  $m\bar{a}likiyyah$  eating the flesh of human infidels would be permissible as the  $m\bar{a}likiyyah$  allow the consumption of donkeys, <sup>1</sup> especially since there is here a case of  $dal\bar{a}lah$  al-iqtir $\bar{a}n$  according to them. There is no asl and no far' here, we have said many times that a mere resemblance itself is not rejected, and that a mere resemblance itself is not  $qiy\bar{a}s$ . The same applies for the verse, "And recite to them the story of him to whom We gave Our  $\bar{a}y\bar{a}t$  but he threw them away; so Satan followed him up, and he became of those who went astray. And had We willed, We would surely have elevated him therewith but he clung to the earth and followed his own vain desire. So his parable is the parable of a dog: if you drive him away, he lolls his tongue out, or if you leave him alone, he (still) lolls his tongue out. Such is the parable of the people who reject Our  $\bar{a}y\bar{a}t$ . So relate the stories, perhaps they may reflect" [7:175-176].

They also mention the verse, "O you who believe! Avoid much suspicion; indeed some suspicions are sins. And spy not, neither backbite one another. Would one of you like to eat the flesh of his dead brother? You would hate it. And fear Allāh. Verily, Allāh is the One Who forgives and accepts repentance, Most Merciful" [49:12].

They say, "This is one of the finest examples of *qiyās*, as He likened backbiting a brother to tearing his flesh. When the backbiter tears the honor of his brother in his absence, it is akin to someone cutting the flesh of his brother as the backbitten is absent due to death. And as the backbitten is incapable of defending himself because he is absent from getting blamed, he is like a dead person whose flesh is cut and who cannot defend himself. Since brotherhood necessitates compassion, support, and protection, the backbiter's actions contradict these requirements, resembling the cutting of his brother's flesh. Brotherhood requires safeguarding and defending, while backbiting entails the opposite—reproaching and blaming. When the backbiter enjoys the defamation of his brother, reveling in his absence and criticism, he is likened to someone who relishes eating his brother's flesh after cutting it. His

<sup>&</sup>lt;sup>1</sup> Al-Mawsūʻah Al-Fiqhiyyah 35/211

enjoyment of this act exceeds mere consumption, just as his eating surpasses mere tearing. Reflect on this *qiyās*, its appropriateness, and its resonance with human reason. Consider His mention of their disgust for eating their brother's flesh, described at the end of the verse, and His denial in the beginning that any of them would desire it. If they abhor this act, how could they love what is similar to it? He argued against them with what they detested to illustrate what they loved, which is the opposite. They are most repulsed by it. So, reason, instinct, and wisdom dictate that they should be most repulsed by what is similar to it and resembles it. Success comes from Allāh."

The answer: If this would be *qiyās*, then *qisās* (of blood) would be obligatory for backbiting as *qiyās* is applying the same ruling because of a similarity. As we know that Allāh and His Messenger did not apply the same ruling because of a similarity, we know that this is instead invalidating *qiyās*. They do not differ that there is no *qisās*, which clearly indicates that they have forsaken *qiyās*. Everything we mention before applies here as well. The same correct understanding applies for the verse, "The parable of those who disbelieved in their Lord is that their works are as ashes, on which the wind blows furiously on a stormy day; they shall not be able to get aught of what they have earned. That is the straying, far away (from the Right Path)" [14:18].

And the verse, "See you not how Allāh sets forth a parable? A goodly word as a goodly tree, whose root is firmly fixed, and its branches (reach) to the sky (i.e. very high). Giving its fruit at all times, by the Leave of its Lord, and Allāh sets forth parables for mankind in order that they may remember" [14:24-25].

And the verse, "Shall We treat those who believe and do righteous good deeds as *mufsidūn* (those who associate partners in worship with Allāh and commit crimes) on earth? Or shall We treat the pious as the *fujjār* (criminals, disbelievers, the wicked)?" [38:28].

And the verse, "It is Allāh Who has sent down the Book in truth, and the Balance  $(m\bar{\imath}z\bar{a}n)$ " [42:17].

And the verse, "Indeed We have sent Our Messengers with clear proofs, and revealed with them the Scripture and the Balance  $(m\bar{\imath}z\bar{a}n)$  that mankind may keep up justice" [57:25].

And the verses, "The Most Gracious. He has taught (you mankind) the Qur'ān (by His Mercy)... And the heaven: He has raised it high, and He has set up the Balance  $(m\bar{\imath}z\bar{a}n)$ " [55:1-7].

They say, "Do you not see how he reminded using the 'aql and reminded using the fitrah which he gave to mankind which to apply a ruling on a matter as what is similar to it. All of this is from the  $m\bar{\imath}z\bar{a}n$  Allāh revealed with his book and associated it with it. What is meant with  $m\bar{\imath}z\bar{a}n$  is justice and a tool used to know with it the justice and what contradicts it. Correct  $qiy\bar{a}s$  is the  $m\bar{\imath}z\bar{a}n$ . The only reason  $qiy\bar{a}s$  is not mentioned in the Qur'ān while it is the  $m\bar{\imath}z\bar{a}n$  is because  $qiy\bar{a}s$  can be false and correct and the  $m\bar{\imath}z\bar{a}n$  is always something correct."

The answer: These are among the most false claims without any trace of evidence. As for the claim about the 'agl and fitrah, The 'agl and fitrah know nothing other than following the words of Allāh and His Messenger alone. As for the claim about it being from the 'aql and fitrah to make a ruling of an issue as its similarities, we do not know how a slave of Allah can utter such. We do not know when a ruling is similar and when it is not except when Allāh and His Messenger inform us. We also know with certainty that there are dozens of issues that are similar yet have different rulings, this is something undeniable. And any similarity between two issues is not a valid qiyās according their own conditions of *qiyās*. It is possible for an issue to be part of a general ruling while it may be similar and also while it may not be similar. It is not one of the two. Regarding their sayings about  $M\bar{\imath}z\bar{a}n$ , they are mere claims with no roots to it,  $m\bar{i}z\bar{a}n$  means justice and there is nothing more just than following the words of Allāh and His Messenger alone. And there is nothing more unjust than following something other than the words of Allāh and His Messenger.

Everything we mentioned applies also for the verse, "And among His Signs (in this), that you see the earth barren; but when We send down water (rain) to it, it is stirred to life and growth (of vegetations). Verily, He Who gives it life, surely, is Able to give life to the dead (on the Day of Resurrection). Indeed He is Able to do all things" [41:39].

And the verse, "And the earth! We have spread it out, and set thereon mountains standing firm, and have produced therein every kind of lovely growth (plants). An insight and a Reminder for every slave who turns to Allāh in repentance" [50:7-8].

Regarding *ḥūr al-'ayn* and good deeds of the infidels. They mention the verse where Allāh says, "The good they do in this worldly life is like the harvest of an evil people struck by a bitter wind, destroying it 'completely'. Allāh never wronged them, but they wronged themselves" [3:117].

The answer: Allāh likened the falsehood of the acts of infidels to the destruction of harvest by bitter wind. And there is no *qiyās* in any of that. We ask them: Tell us what *qiyās* can be concluded from this: Is the one whose harvest gets destroyed going to hellfire for eternity like the one dying while he is an infidel because of that being likened to the acts of the infidels.

Or do you think that if the acts of the infidel gets invalidated that his harvest will get destroyed like the harvest that gets destroyed by a bitter wind?

They also mention the verses, "Those 'maidens' will be 'as elegant' as rubies and coral" [55:18].

And the verse, "There will circulate among them [servant] boys [especially] for them, as if they were pearls well-protected" [52:24].

And Allāh the verse, "Plucking people away, as if they were trunks of uprooted palm-trees" [54:20]. And the verse, "They will emerge from the graves as if they were locusts spreading" [54:7].

We say: It is known by anyone that rubies and coral can be sold, stolen, are brought forth from the salty sea, that rubies and coral do not have intellect, and that rubies and coral are not humans and not animals. hūr al-'ayn are nothing like this, It is established that hūr al-'ayn have intellect, are alive, speak, have intercourse, drink and eat. Rubies and coral are nothing like this. The same with every other example made by Allāh: people are nothing like palm-trees, locusts or pearls as mentioned in the previous verses. Allāh only likened hūr al-'ayn with rubies and coral in the aspect of being pure, and likewise for the other examples only in a few aspects, and none of that is  $qiy\bar{a}s$ . We do not reject that things can be similar in certain aspects with each other, we only reject giving them rulings because of the reason something is similar to something in certain aspects. For issues that have no texts from the Messenger of Allāh for that. These verses are all instead annul *qiyās*, because Allāh made hūr al-'ayn similar to rubies, coral, and He made actions of infidels similar to harvest that gets destroyed by bitter wind, and He made Humans similar to trunks, palm-trees and locusts. And them being similar never implied that rubies and coral must take the rulings of hūr al-'ayn, and also does not necessitate that the harvest takes the ruling of the actions of the infidels such as getting cursed, barā'ah from them, threatening them. No one ever does that against harvest. And also not that the actions of the infidels take the ruling of harvest such as benefiting animals and other things. This proves that things being similar in a certain aspect does not necessitate that they must be from the same ruling. And there is no thing that is more similar to each



other than when Allāh tells us about their similarity, if that perfect similarity Allāh made between All of them never necessitated that they should be similar in rulings then it is established that the method of *ahl ul-qiyās* is all deceit and full of lies.

Regarding Messengers being sent one after another, they also mention the verse where Allāh says, "By the winds (or angels or the Messengers of Allāh) sent forth one after another" [77:1].

There is evidence in this for corruption in the intellect of the one using this as an evidence to affirm  $qiy\bar{a}s$  and the low  $hay\bar{a}$  with nothing more to mention about them and in Allāh we seek refuge and we ask him for success. There is no sending forth one after another except how Allāh told it to be. As for the people other than Messengers being sent one after another there is no specific ruling for them and no meaning for it, since people that are created besides them did not come after another except as oppressive.

The verse regarding Ādam covering himself. They mention the verse where Allāh says regarding Ādam, "They began to cover themselves with the leaves of Paradise" [7:22]. There is not a single possible way to indicate *qiyās* with this. They also mention the Āyah where Allāh says regarding Ibrāhīm, "My Lord, show me how You give life to the dead" [2:260]. This is the same as the verse before, no one has ever understood Allāh giving life to birds to mean *qiyās* or to have any indication for *qiyās* and also not that because of Allāh giving life that it means the prohibition on selling rice for more or less rice. Anyone who claims this from any of these verses must fear Allāh. It is now clear that all such verses cannot ever indicate *qiyās*, and All praise is due to Allāh, there is no power or strength except by Allāh. The Most High, the Most Great. Allāh Alone is Sufficient for us, and He is the Best Disposer of affairs.

## Section: The Verses Regarding Accusing Women Of Adultery

They mention the verse, "Those who accuse *al-muḥṣanāt* of adultery' and fail to produce four witnesses, give them eighty lashes 'each'. And do not ever accept any testimony from them" [24:4].

They say, "This ruling can only be applied also for men because of *qiyās*."

The answer: This ruling is not for Muslim women only, but also for men, the infidel women, and children, and none of that is because of *qiyās*. It is general for all those mentioned besides women, because Allāh said in another verse, "And *muḥṣanāt* among (*min*) the women (are forbidden unto you)" [4:24].

If *muḥṣanāt* would only be applicable for women only then there would be no meaning in this verse where Allāh mentions *muḥṣanāt* among (*min*) the women. This verse makes a *tab'īḍ* for *muḥṣanāt*, meaning that *muḥṣanāt* can include anyone other than women as well. So *muḥṣanāt* is applicable for men and women in general.

Allāh also meant with muh sanāt only the furuj (private parts) of muh sanāt. If there are four witnesses then there is no difference of opinion from anyone in the ummah for testimony, that for fornication the only thing that is burdened to be seen is the private part of a man entering the private part of a woman and leaving it. This is according to  $ijm\bar{a}$ , from us and them, and anything other than that seen cannot be used as a testimony from the witness for fornication, This is according to  $ijm\bar{a}$ , from us and them.

The *qādhif* (the plaintiff, accusing someone of fornication) that uses anything else as a testimony cannot in that case free himself from the *ḥadd* that is due on him for this false testimony. So slandering is only for the private parts only. It is narrated on the authority of Ibn 'Abbās, "I have not seen anything resembling *lamam* (minor sins) except what Abū Huraira narrated from the Prophet, that he said, 'Allāh has written for all sons of Ādam his share of adultery which he commits inevitably. The adultery of the eyes is the

sight (to gaze at a forbidden thing), the adultery of the tongue is the talk, and the inner self wishes and desires and the private parts testify all this or deny it "2"

So the Prophet did not make adultery except for the private part only and annulled it for any other body part. So every body part besides the private part is not what is accused for adultery. So when Allāh said, "Those who accuse muḥṣanāt of adultery." He meant nothing other than the private parts only.

If they say, "Muḥṣanāt is a na't (adjective) and a na't cannot be alone without also having a man'ut (subject)."

We say: This is a mistake, a claim without certain evidence, the Qurʿān is filled with the opposite of this claim and also poems of the Arabs. Allāh, the Most Exalted says, "Al-ṣā'imīn wal-ṣā'imāt (The fasting men and fasting women)" [33:35]. And Allāh says, "Inn al-muṣaddiqīna walmuṣaddiqāt (Indeed, the men who practice charity and the women who practice charity)" [57:18]. There is na't without the man'ut.

" وَلَا جَاعِلَاتِ الْعَاجِ فَوْقَ الْمَعَاصِمِ And the poet said, " الْمَعَاصِم

"And not those women who wear ivory above their wrists (as ornaments)."<sup>3</sup>

It mentions the *na't* (adjective) and not the *man'ut* (the object that is described by the adjective) no *naḥwi* ever prevented this.

Also if it would be according to them that only women is meant in the verse, they would contradict and it would be against them as there must be a *man'ut* also, otherwise they themselves rely on the *na't*, then there remains no value in their argument requiring a *man'ut* for the *na't*. Because they say that what is meant is, "*Al-nisā' al-muḥṣanāt*." (The *muḥṣanāt* women) limiting to *na't* with no *man'ut*, making a *hadhf* for the *man'ut*.

In any case He made *hadhf* of the *man'ut* and restricted it to the *na't*, there is then no difference in Him, the Most Exalted mentioning *al-muḥṣanāt* and the *hadhf* of *furūj* (private parts) based on our view, or *hadhf* of *al-nisā* according to their view. So this opposition is complete invalidated.

For our view there is texts while for their false claim that it applies only for women is weak and false as they leave out *hadd* on the  $q\bar{a}dhif$ , which is the one accusing someone of adultery, if he accuses slave girls, infidel women,

<sup>&</sup>lt;sup>2</sup> Sunan Abī Dāwūd 2152, 3/483

<sup>&</sup>lt;sup>3</sup> Dīwān Jarīr 2/994

and children. First they claim it is about women and then leave out the *ḥadd* for many women. They only rely on Allāh mentioning women and not forsake *muḥṣanāt* mentioned.

Allāh also says, "And We have sent down from the rainy clouds abundant water" [78:14]. From clouds here, what is meant are rainy clouds only, not other clouds. Similarly we mean with *muḥṣanāt* only the *furūj* (private parts) of *muḥṣanāt* only. *Takhsīs* is not allowed except with evidence from text which we showed before and we will clarify it further by the will of Allāh.

The additional evidences that only the private parts is that which is accused for  $zin\bar{a}$  for both men and women besides the  $ijm\bar{a}$  on it, is that Allāh says, "And they who guard their private parts. Except from their wives or those their right hands possess, for indeed, they will not be blamed" [23:5-6].

And Allāh says, "Tell the believing men to lower their gaze, and protect their private parts" [24:30].

And Allāh says, "The men and the women who guard their private parts" [33:35].

So from texts and  $ijm\bar{a}$  we know with certainty without a single doubt that the private parts are what are accused of  $zin\bar{a}$  only.

And Allāh says, "And she who guarded (aḥṣanat) her private part" [21:91, 66:12]. So a farj is a muḥṣan and the one having it is a muḥṣin according to the words of Allāh and His Messenger. And when the Prophet said, "Allāh has written for all sons of Ādam his share of adultery which he commits inevitably. The adultery of the eyes is the sight (to gaze at a forbidden thing), the adultery of the tongue is the talk, and the inner self wishes and desires and the private parts testify all this or deny it."

We know with certainty that what is accused of  $zin\bar{a}$  are the private parts only and that a  $muh\bar{s}anah$  is the farj only, not anything other than that. Obligatory hadd for  $zin\bar{a}$  is then because of the private parts only, not any other body parts such as feet, tongue, ears or the heart. The one accusing the eyes, feet, ears, hands or heart of  $zin\bar{a}$  or any other body part has made a false accusation. So it is only for the private parts only with certainty, without a single doubt. As the verses are also about the private parts only, then men and women are part of the ruling in the same manner.

<sup>&</sup>lt;sup>4</sup> Sunan Abī Dāwūd 2152, 3/483

We ask them: Tell us about the verse, "Those who accuse the *muḥṣanahat*" [24:4]. If you say, "Allāh intended here with this word only women." Did Allāh then want the *qādhif* of a man (the one that accuses a man of adultery) to be lashed or did he not want it? There is no other option. If they say, "Allāh did want the *qādhif* of a man to be lashed." We say: It is from the wonders for Allāh to want from his slaves the *qādhif* of a man to be lashed, but then does not order that, but mentions women only. If they say, "It only is for women." We remind them that they included men as well in the ruling. Bring your evidence if you are truthful. They do not bring more than mere false claims. If they say, "It is because of *ijmā*'." We say: You claim that this implies *qiyās*. Then bring evidence for *qiyās* in this case and there is not a single way for them to bring evidence for that at all as *qiyās* by moving rulings to the other genders is not possible.

To indicate even further that this has nothing to do with *qivās*, we find the rulings of men and women to differ often in specific cases and to concur on many cases. It is obligatory on men to attend the jumu'ah and congregational prayers, while both are not obliging for women. Men and women are the same in the rulings of the prayer and obligatory alms. A woman cannot travel for non-obligations except accompanied with the husband or a mahram. A man can travel however he wants without his wife and without his maḥram. They are the same regarding fearing zinā. The rulings for clothing for women differ from men, it is not allowed to wear qamīṣ, 'imāmah, sarāwīl for men during *ihrām* while it is allowed for women, and they have the same ruling for wearing perfume, that it is prohibited. It is obligatory on men to pray in congregation with an imām at Muzdalifah for the subh prayer. While it is allowed for women to leave from Muzdalifah before that. They are similar in rulings other than that during the *iḥrām*. *Ighārah* is obligatory on men while it is not for women. The testimony of two women equals that of one men. Our opponents here do not make the rulings for women here in these cases the same for men and do not make the rulings of men the same for women. They do not use *qiyās* in any of those cases and others cases to make it the same and there no  $ijm\bar{a}$  in any of those cases. The diyah of a woman is half of a man. Many of the  $q\bar{a}$  is  $\bar{u}n$  make them equal till a certain, they do this regarding issues of the diyah and then forsake making them the same for other rulings and do not use *qiyās* in those cases. The *hadd* on a woman is the same as that of a man regarding issues like qadhf, khamr, zinā, qatl and qat'. Some of the  $q\bar{a}$ 'is $\bar{u}n$  make the genders different in ruling of  $taghr\bar{t}b$  (expelling from the city) because of zinā between men and women. Some of them also make the hadd of riddah different between men and women. They claim that men must be killed for riddah but not women. In these cases they abandon qiyās as they do not apply it everywhere. A man may marry four women and get slave girls while a woman cannot marry any man except one and may not get slaves. They do not use qiyās here in any of these cases. These are enough examples from the many where they contradict their method and claim a matter is because of qiyās while they cannot produce any evidence that it is because of qiyās and then at the same time abandon their own method when it is related to other issues.

Since we find the rulings of men and women to be different very often and to be the same very often, only according to texts, it becomes false without any doubt to claim that they are the same in one case because of  $qiy\bar{a}s$  when there is only mention of one gender. Because they are similar or different is never because of the reason of  $qiy\bar{a}s$  this is the utmost clarity on the falsehood of their method.

From the clearest evidences that the hadd of the  $q\bar{a}dhif$  of men is the same ruling in ruling, and that it ca not be because of  $qiy\bar{a}s$ , after Allāh ordered the lashing of the  $q\bar{a}dhif$  of  $muh\bar{s}an\bar{a}t$  with one sentence only. Allāh says after that order, "And for those who accuse their wives (of  $zin\bar{a}$ ), but have no witnesses except themselves, let the testimony of one of them be four testimonies (i.e. testifies four times) by Allāh that he is one of those who speak the truth" [24:6].

There is no difference from anyone from the *ummah* that there is no  $qiy\bar{a}s$  used to apply this ruling for the female  $q\bar{a}dhifah$  of her husband for her to do  $li'\bar{a}n$  to the  $q\bar{a}dhif$  of his wife by  $li'\bar{a}n$ . If  $qiy\bar{a}s$  would have ever been the truth then  $qiy\bar{a}s$  on the male  $q\bar{a}dhif$  to a female  $q\bar{a}dhifah$  would not be more true and more correct than  $qiy\bar{a}s$  of a  $q\bar{a}dhifah$  wife of her husband to the  $q\bar{a}dhif$  husband of his wife for her to do  $li'\bar{a}n$  as well.

Some of them said, "But Allāh says, 'Verily, those who accuse *almuḥṣanāt*, unaware, believing women' [24:23]. And Allāh says, "(Forbidden for you are:) Married ones (*muḥṣanāt*) among women' [4:24]. And Allāh says, 'They (the above said captive and slave-girls) should be chaste (*muḥṣanāt*), not committing illegal sex, nor taking boyfriends' [4:25]. So how can *muḥṣanāt* here mean private parts, is it not clear from the apparent fact that it has nothing to do with private parts? No one with senses can say, 'Those who accuse the private parts, unaware, believing women."

We say: When Allāh said, "Those who accuse *al-muḥṣanāt* of adultery," [24:4] he did not specify which and what *muḥṣanāt*. This word here is general, which cannot be specified except with texts or *ijmā*. It is possible that Allāh meant here the *muḥṣanāt* women as you say, and it is possible that he meant the private parts of the *muḥṣanāt* in general which encompasses both in general, as we say, making no specification as you do. Private parts are more general than women, claiming specifications is not allowed except with texts. The private parts are also the only thing that are accused for adultery, understanding this and that Allāh said, "And they who guard their private parts" [23:5-6].

And that Allāh said, "Tell the believing men to lower their gaze, and protect their private parts" [24:30].

And that Allāh said, "The men and the women who guard their private parts" [33:35].

And that Allāh said, "And she who guarded (aḥṣanat) her private part" [21:91, 66:12]. It is then established that the private part is the muḥṣan, and the one having it is a muḥṣin Allāh called it here the object of the verb aḥṣana. And the one doing that does it with nothing other than their private part.

If this is understood, then where does it contradict the verses you mentioned? In every single verse you mentioned, Allāh always specifies that it is about the women specifically. We do not negate the possibility that Allāh can specify matters, this is something not rejected by anyone. However in the verse, "Those who accuse *al-muḥṣanāt* of adultery," [24:4] Allāh does not specify anything, this remains general as clarified.

As for the claim, "No one with senses can say about verse 24:23 that it means, 'Those who accuse the private parts, unaware, believing women."

It is false as the meanings of a word are all taken as long as it is possible. We just clarified the manner of that here: It is established from the previous mentioned verses that *muḥṣan* was left general and is then indeed *farj* (private part).

Murtaḍā Al-Zabīdī said, "And in the *tanzīl* [it is said], 'And she who guarded (*aḥṣanat*) her private part.' So she is a *muḥṣinah*."<sup>5</sup>

Al-Zajjāj said, "Al-iḥṣān is iḥṣān."6

<sup>&</sup>lt;sup>5</sup> Tāj Al- 'Arūs 34/435

<sup>&</sup>lt;sup>6</sup> Tāj Al- 'Arūs 34/436

We clarified many times before that a word can have multiple meanings and it is obligatory to use of all of them as long as it is possible, meaning as long as no evidence specifies some. When it is not possible, only that which is possible it used. And since Allāh in the verse, "Those who accuse *almuḥṣanāt* of adultery," [24:4] did not specify anything, it is possible to use all of its meanings, including the private parts. No *naḥwi* ever prevented it, this view is also affirmed by Abū Ḥayyān Al-Andalusī and Al-Zahrāwī.<sup>7</sup>

Ibn Al-Qayyim also said regarding these verses including men as well in the ruling, "(The reason men are included, is because) This is from the 'wf of Allāh, he mentions a specific word on behalf of a general word, this [ruling] is not because of  $qiy\bar{a}s$ ."

From the other certain evidences that the punishment of *qadhf* applies to both men and women is that Allāh the Most Exalted said, "Verily, those who like that (the crime of) illegal sexual intercourse should be propagated among those who believe, they will have a painful torment in this world and in the Hereafter. And Allāh knows and you know not" [24:19].

So we know with certainty that both men and women do *qadhf* and that for them there is a punishment, for both, the punishment is then *mujmal* and its *mufassar* is found in other verses.

And the Messenger of Allāh  $\cong$  said, "He who accuses his slave of committing adultery (without proof) will be lashed for the hadd (of qadhf) on the Day of Resurrection unless it is (true) as he said." So we know from this as well that the man that does qadhf of a slave gets hadd of qadhf.

And it is narrated on the authority of 'Abdullah, "We were in the mosque one friday night, and a man said, 'If a man finds another man with his wife (having  $zin\bar{a}$ ) and [the husband] kills that man, would you kill that husband, and if he speaks (does qadhf of him by accusing him of  $zin\bar{a}$ ), will you lash him?' By Allāh I will mention that to the Prophet . So he mentioned that to the Prophet , and then Allāh revealed the Verses of  $li'\bar{a}n$ . After that the man came and accused his wife, so the Prophet told them to go through the procedure of  $li'\bar{a}n$  and he said, 'Perhaps she will give birth to a black child.' Then she gave birth to a black child with curly

<sup>&</sup>lt;sup>7</sup> Al-Bahr al-Muhīt 8/12

<sup>&</sup>lt;sup>8</sup> A'lām Al-Mawqi'īn 2/203

<sup>&</sup>lt;sup>9</sup> Sahīh Muslim 1660

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hair."10

So there remains no doubt in any possible way that the *hadd* of *qadhf* applies both to men and women, all because of clear texts regarding it.

And Allāh says, "Neither has He made your wive whom you declare to be like your mothers backs, your real mothers. Nor has He made your adopted sons your real sons. That is but your saying with your mouths. But Allāh says the truth" [33:4].

Allāh made what a man says to his wife, "You are to me like the back of my mother," the same as claiming adopted sons to be the real sons and he did not oblige *kaffārah* for both of them, but instead only in one. It is then established that matters having a similarity do not imply them to be similar in ruling, so their sayings about *ta 'līl* are all false as the *'illah* which they claim did not apply in another ruling which is of the exact same attribute and there is no *kaffārah* on both, only one. This is one of the many indications on the absolute falsehood of their method.

If they falsely claim  $ijm\bar{a}$  that the one slandering a man of fornication is lashed eighty times because of  $qiy\bar{a}s$  from the ruling of men, where is that  $ijm\bar{a}$  here? How can  $ijm\bar{a}$  of the entire ummah on a method, not apply the exact same method with something it is the most similar with? We instead know with certainty that there are clear texts regarding the obligation of carrying it out on the one slandering man, and that the entire ummah during the time of the salaf has a clear  $ijm\bar{a}$  on the falsehood of  $qiy\bar{a}s$  when they abandoned applying it for the man. All praise is due to Allāh, there is no power or strength except by Allāh.

<sup>&</sup>lt;sup>10</sup> Sunan Ibn Mājah 2068, 3/218

### Section: The Verses Regarding The Mutashābihāt

Regarding the *mutashābihāt*. Allāh says, "The Book; in it are verses [that are] precise - they are the foundation of the Book - and others unspecific" [3:7].

We say: his does not imply  $qiy\bar{a}s$ . Nothing is more false than claiming that Allāh has obscured matters for His servants, intending for them to comprehend it and burdening them with it, while the Prophet did not clarify these issues and left them unclear. And claiming this means  $qiy\bar{a}s$  invalidates  $qiy\bar{a}s$  because that which is from the  $mutash\bar{a}bih\bar{a}t$  is that which cannot be known.

Regarding the *mutashābihāt* in general, it is impermissible for anyone to attempt to comprehend or follow what is *mutashābih*; ones sole duty is to affirm it and believe that it originates from Allāh. Allāh, in the latter part of the verse, indicates that those who seek to understand it harbor a deviation in their hearts and seek *fitnah*. Allāh, the Most Exalted says, "And those who are firmly grounded in knowledge say: 'We believe in it; the whole of it (clear and unclear Verses) are from our Lord" [3:7]. And He says, "So as for those in whose hearts there is a deviation (from the truth) they follow that which is not entirely clear thereof, seeking *fitnah* (polytheism and trials), and seeking for its hidden meanings and none knows its hidden meanings except Allāh" [3:7].

So it is impossible to know its *ta'wīl* because seeking knowledge of it is *harām*. If the quest for its knowledge is prohibited, it is impossible to ever comprehend it. Those who attempt to harbor deviation in their hearts must refrain. The means by which one can comprehend a matter are well-known and highly limited: the senses (*ḥawās*), intellect ('aql), which Allāh has endowed in those who worship Him among animals, the angels, the *jinn*, and some of it within humanity. One must adhere to what Allāh has ordained for comprehension of His rulings, which is the Qur'ān and the *sunnah* only. These are the paths we must use as evidence, while refraining from delving into the meanings of the *mutashābihāt*. It is then established without doubt that there is no conceivable way to comprehend it through any means, be it *ḥawās*, 'aql,



Qur'ān, or even *sunnah*. So creation cannot fathom anything from the verses except the *muḥkamāt*, which Allāh has commanded us to reflect on it, learn, teach, and seek understanding and *tafaqquh* from.

We must then look into what we cannot understand and what is not clarified, because only that can be from the *mutashābihāt* and everything else is absolutely *muḥkam*. We find that in the Qurʿān then only *iqsām* which is in the beginning of some chapters such as when Allāh says, "By the forenoon. By the night when it darkens (and stand still)" [93:1-2]. And when Allāh says, "By the dawn. By the ten nights" [89:1-2], and the *hurūf al-muqatta ʻah* in the beginning of the chapters are from the *mutashābihāt* and nothing else. Everything else in the Qurʿān is *muḥkam*. This is also the view of Ibn ʿAqīl, 'Abd Al-ʿAzīz Al-Harbī.<sup>11</sup> We clarified this in great detail before.

 $<sup>^{11}</sup>$  Al-Khulāṣah Fī Uṣūl Al-Fiqh 'Alā Minhāj Ahl Al-Zāhir pg. 55

#### Section: The Verses Regarding The Meat Of Swine

They claim, "Every single time Allāh and His Messenger prohibited swine, they only mention the meat of swine, not everything from the swine. The only way we can prohibit other parts of a swine is through  $qiy\bar{a}s$ , and on this  $qiy\bar{a}s$   $ijm\bar{a}$  exists of the entire ummah."

The answer: Allāh prohibited consuming fat for Banū Isrā'īl, but He did not prohibit them from consuming meat, making it clear that the prohibition of fat is distinct from meat. If fat would have had the same ruling as meat, then the prohibition of fat would entail a prohibition of meat for Banū Isrāʿīl. Allāh also did not prohibit the fat of the backs and also not the fat of the chest and also not the fat of the stomach. All of that was not prohibited because of the mere prohibition of fat, if that is the case then swine fat is also not prohibited because of qiyās from the prohibition of meat only. And the 'illah that is claimed between fat and meat is then absolutely false as Allāh did not imply that meat must then also be prohibited. No sane person ever says that if meat is prohibited, that then fat must be also prohibited because of the reason meat is prohibited, the same with milk and bones, they are all unrelated. It is said then to them: Is also the bones, hair and milk of a swine prohibited because of qiyās that the meat of the swine is prohibited? If they say, "Yes." We say: There is not a single 'illah in fat that goes along with meat. We are also not born from meat. And nothing is born from some fat and some meat. We were created from soil and we are not soil. A chicken comes from an egg and is not an egg, dates come from date trees and are not trees. Meat and milk comes from blood and they are not blood. When Allāh prohibited fat for Banū Isrā'īl he did not imply that because of that meat is also prohibited, which invalidates all the claims made for matching 'ilal between fat and meat.

It is also said to them: Did Allāh prohibit the fat, hair, bones and milk of a swine or did he not prohibit all of it. If they say, "Allāh prohibited all of it." We say: If you agree that meat is not milk and that fat is not meat and that bones are not meat and that they have nothing to do with each other and at the same time you do not believe that Allāh prohibited a swine in general, except

by using *qiyās* which the 'illah for is absolutely false, then where do you get the prohibition for each part of the swine from? Nothing can then be prohibited except if Allāh or his messenger sclarified it. Anyone who claims that it is in this case prohibited makes a claim that Allah prohibited something without any revelation that came regarding it, then this person lies about Allāh and his Messenger . If they say, "Allah did not prohibit it and also not his Messenger  $\stackrel{\text{def}}{=}$ , but all of the Muslims had an  $ijm\bar{a}$  on its prohibition." We say: This is a lie attributed to the entire ummah,  $ijm\bar{a}$  only goes along with what Allāh and his Messenger # prohibited or allowed. If Allāh did not prohibit it and also not his Messenger #, then according to you the ummah gathered opposing Allāh and his Messenger . Allāh saved the Muslims from this false claim, there exists no  $ijm\bar{a}$  that fat is prohibited only because of  $qiy\bar{a}s$  and they never prohibited it only because of *qiyās*. The *ummah* only prohibited it by following the texts regarding its prohibition and not because of *qivās*.

All this falsehood, while most of them are themselves of the view that fat is a type that is not meat and they allow selling four hundred seven grams of a meat for eight hundred fourteen grams of a fat, and they are also of the view that the fat of the back is different from the fat of the stomach, they allow selling four hundred seven grams of the fat of the stomach of cattle for eight hundred fourteen grams of the fat swans. They all say that whoever makes vows not to eat fat, but eats meat that he does not break his vow then, they also concur that if someone says, "Buy for me with this dirham meat," while he buys for him fat, that he is obliged damān (warranty) for buying something wrong. This all goes against their claim that the prohibition of the fat of swine is only because of *qiyās* from meat. Also they agree that the bones have no relation to meat and they do not use *qiyās* to prohibit it, while they at the same time agree with us that whoever grins the bones of swine to make it fine and eats it that he still sins. This is while ittirād is from the conditions of qiyās.

As for us, everything from the swine is prohibited to eat and drink even one hair of it, including its milk, blood and nails. Allāh says, "Say, 'I do not find within that which was revealed to me [anything] forbidden to one who would eat it unless it be a carrion (maitah) or blood spilled out or the flesh of swine, for it is *rijs*" [6:145]. Ibn Ḥazm said, "The pronoun for 'it' here returns to the earliest mentioned noun before, which is the swine, not the meat."

Ibn Tamīm *al-zāhirī* said, "Abū Hayyān established in his *tafsīr* that if a pronoun is preceded by the mudāf (possessed) and mudāf ilayh (possessor), and can refer to either element separately, as in the phrase, 'I passed by Zayd's servant and honoured him,' the pronoun for 'him,' refers to the possessed (Zayd's servant) and not the possessor (Zayd), because the possessed is who is spoken about, while the possessor is mentioned incidentally, to define or specify the possessor. Using this Abū Ḥayyān invalidated the *istidlāl* of Ibn Ḥazm regarding this verse and whoever went with his view such as Al-Māwardī, who said regarding the verse, 'Verily it is *rijs*,' [6:145] 'It returns to swine alone.' Determining the possibility of a pronoun's return has no meaning whatsoever; this determination belongs to the listener, not to the speaker's words. Our assumption that the speaker meant the servant or Zayd is not the speaker's intended meaning. So Abū Ḥayyān *al-zāhirīs* argument is weak and cannot be used to object to those who argue that a pronoun refers to the nearest mentioned noun. The certainty of this is supported by the Arabs' convention of referring to the nearest mentioned noun."

And Allāh says, "O those who believe, the truth is that wine, gambling, altar-stones and divining arrows are *rijs*, a work of Satan. So refrain from it, so that you may be successful" [5:90]. Allāh described here swine as *rijs*, not only the meat of the swine but all of the swine is then *rijs*, which means *khabīth*, and everything that is then *rijs* must be avoided and it is prohibited to eat it. The noun here to avoid returns to *rijs* and *rijs* is what must be avoided, the noun does not mean that we must avoid Satan because we are not able to avoid him, but at the same time *rijs* is from the actions of Satan which is what we must avoid. And whatever is *rijs* must then be avoided and swine are one of them, same with *khamr*, *maysir*, *anṣāb* and *azlām*. The word *khinzīr* alone in Arabic covers the definition of both genders, small and large, young and old, from the swines. What is slaughtered for altar-stones is anything what is slaughtered for any *tāghūt*, its meat is prohibited.

It is from the obligatory *sunan* of the Messenger of Allāh, not to waste any food and more specifically any property and the Prophet called killing swine in any way possible as long as it is not mutilating, an act of righteousness. If anything besides the meat of the swine would be permissible, then the Messenger of Allāh would not call killing it in any way possible an act of righteousness if it would include wasting what would be permissible food. Except that there can be benefit from the skin of swine after it is tanned. It is narrated on the authority of Abū Hurairah, "The Messenger of Allāh said, 'By Him in Whose Hands my soul is, 'Īsā, the son of Maryam, will

<sup>&</sup>lt;sup>12</sup> Mūlakkhas Ibtāl al-Qiyās wa-al-Ra'ī wa-al-Istihsān pg. 33

shortly descend amongst you people as a just ruler and will break the Cross and kill the swine."<sup>13</sup>

It is also narrated on the authority of Muʿawiyah, "I wrote to Al-Mughīrah Ibn Shuʿbah, 'Write to me something which you have heard from the Prophet ": He said, 'I heard the Prophet say, 'Allāh has forbidden for you three things: vain talks, that you talk too much or about others and wasting property." So if anything other than swine meat would be permissible food that is allowed to eat, then it would not be allowed to waste it and it would be obligatory to eat it and the Prophet described the killing of the swine a good act in anyway possible, then all of a swine is always maitah in whatever way it is killed and it is not permissible to eat anything from swine.

It is also narrated on the authority of Umm Ḥabībah, "A person asked the Prophet, "What about those apes and swine [which we see nowadays, are they from those] which suffered a change of appearance [as a punishment, from the nations]?' The Prophet "said, 'Verily, Allāh'.

Allāh, the Most Exalted also says, "So when they exceeded the limits of what they were prohibited, We said to them, 'Be you monkeys, despised and rejected" [7:166].

And He says, "And indeed you knew those amongst you who transgressed in the matter of the Sabbath. We said to them, 'Be you monkeys, despised and rejected'" [2:65]. It is known with necessity that Allāh does not change the appearance of anything to swines and to apes as a punishment and a threat for things that are good and pure. If that is the case then apes and swine are not from the good and pure, as they are not from good and pure then they are from the *khabā'ith*, because something is either good and pure or *khabīth*. And they are mentioned here in general, not with the prohibition on their meat only, then all of the swine and all of the apes are prohibited. All praise is due to Allāh, there is no power or strength except by Allāh.

<sup>&</sup>lt;sup>13</sup> Sahīh Al-Bukhārī 2222

<sup>&</sup>lt;sup>14</sup> Sahīh Muslim 593

<sup>15</sup> Sahīh Muslim 2663

## Section: The Verses Regarding Fighting The Infidels If There Is A War

Regarding fighting the infidels. They also mention the verse, "So when you meet the disbelievers 'in battle', strike 'their' necks" [47:4].

They also say, "So we cannot fight in a war except in this manner, and every other manner is not possible, because the manners of how to do it are all mentioned in the verses."

The answer: The verse is not only about striking the necks and it is not limiting a way of fighting, there are orders to fight in such case in general, without limiting it to any specific method. So the other verses about sieges also do not limit to a certain method of fighting, Allāh says, "Strike off every fingertip of theirs" [8:12]. And Allāh says, "Kill the infidels wherever you find them" [9:5]. So if there is a war, there is not a limited manner of fighting back to defend ourselves. The amount of texts on this topic affirming it being general is plenty. So fighting them is obligatory in any way possible.

## Section: The Verses Regarding What Is Permissible To Consume

They also mention the verse where Allāh says, "They ask you, 'O Prophet,' what is permissible for them 'to eat'. Say, 'What is good and lawful'" [5:4]. They say, "There does not exist a prohibition on eating defecation and drinking urine, from texts so we use *qiyās*."

The answer:  $tayyib\bar{a}t$  are allowed to be eaten and  $khab\bar{a}$  'ith are prohibited as it is mentioned in the verse, urine and defecation are called in the Arabic language  $khab\bar{a}$  'ith, 16 no matter if it is from humans or animals, and the religion is taken from the Arabic language only.

The Messenger of Allāh also called both of them *khabā'ith* directly, he said, "No prayer can be prayed with food brought or when he is resisting the urge to relieve himself of the two filths (urine and defecation)." The narration about the Prophet ordering some sick men to drink camel urine is meant for cases of using it as a remedy only. It is not allowed to use it for any other reason.

<sup>&</sup>lt;sup>16</sup> Al-Şiḥāḥ Tāj Al-Lughah 1/281 | Lisan Al- 'Arab 2/744

<sup>&</sup>lt;sup>17</sup> Sahīh Muslim 560

### Section: The Verses Regarding Ablution

They mention the verse, "Up to the elbows" [5:6].

They say, "So according to you, you cannot to begin washing the elbows for ablution except by beginning from the fingertips."

The answer: Allāh never mentioned a place where anyone must begin when washing the hands till the elbows. The elbows are only made the furthest point, it is not made the beginning or ending. As long as that is done then in whatever way the elbows are washed it is sufficient.

### Section: The Verses Regarding Testimonies

They mention the verse, "And call two of your reliable men to witness" [65:2]. They say, "Requiring testimonies from the upright ('adl) Muslims for any issue besides talāq, raj'ah are all because of qiyās."

We say: This claim is incorrect. Firstly, if the one presenting this argument is a  $m\bar{a}lik\bar{\imath}$ , they overlook their stance by accepting the testimony of a  $f\bar{a}siq$  doctor and children concerning matters of blood and wounds, both of which lack uprightness (' $ad\bar{a}lah$ ). If the proponent is  $hanaf\bar{\imath}$ , they inadvertently validate their argument by accepting the testimony of infidels, thereby invalidating their own position. They also reject the testimonies of upright slaves and close relatives.

As for us, we do not accept the testimonies of upright Muslims for matters beyond *ṭalāq*, *raj'ah*, or debts due to *qiyās*. Allāh, in general without any specification, ordered us not to accept anyone's testimony except if they are upright, encompassing the rejection of testimonies from any infidel unless specifically permitted, it is also rejected from any non-Adult, who has not reached puberty. Allāh says, "If there comes to you a *fāsiq* (any sinner) with information, investigate, lest you harm a people out of ignorance and become, over what you have done, regretful" [49:6].

Allāh prohibits accepting any news, which includes testimonies from a  $f\bar{a}siq$ , which means any sinner, who is known to sin. Sane adults are either  $f\bar{a}siq$  or 'adl. It is obligatory to ascertain the credibility of anyone bringing news before spreading it. If they are a  $f\bar{a}siq$ , their news and testimony are rejected. If they are 'adl, we accept their news and testimony and disseminate it. It is important to know that this verse does not mean to investigate the news, it is regarding investigating the virtuousness of the individual sharing the news.

As for accepting two upright Muslims in other rulings then the ignorant one who uses this argument, it becomes necessary on him to apply that *qiyās* also on requiring testimonies for *sariqah*, *qadhf*, *khamr*, *qiṣāṣ*, *qatl* all because

of the reason testimonies that is required for  $zin\bar{a}$  and they need four in total, not less is ever accepted. They necessitate themselves to apply four testimonies for all  $hud\bar{u}d$ . Because they are all from  $hud\bar{u}d$  and they are more similar to each other than  $tal\bar{a}q$ , raj'ah or debts. There is also  $hud\bar{u}d$  for everything we mentioned, the same way as  $zin\bar{a}$  so they are more similar than what the adherents to  $qiy\bar{a}s$  use here as an argument and it would be necessary according to their method to apply it.

It would also be necessary for them to apply the  $qiy\bar{a}s$  of testimonies of one man and two women on debts, given that these testimonies exist for debts. Otherwise, the method of using  $qiy\bar{a}s$  for raj'ah and  $tal\bar{a}q$  without also applying it to debts and all other  $hud\bar{u}d$  lacks consistence, while consistence is a condition of  $qiy\bar{a}s$ .

If they claim  $ijm\bar{a}$ , then they have lied and are ignorant. Al-Hasan AlBaşrī only accepted four testimonies from upright Muslims for qatl. 'Umar Ibn Al-Khatṭāb and 'Aṭā' Ibn Abī Rabāḥ accepted for testimonies of ṭalāq testiomnies of women, but not men. 'Aṭā' accepted eight testimonies only for zinā. Abū Ḥanīfa accepted one man and two women for talāq, raj'ah, and nikāh, but did not require this for hudūd. Al-Ḥasan Al-Baṣrī's position aligns with qiyās because qatl is akin to zinā; both involve consequences for a married individual, relating them through the same aspect of punishment which is death, making them more similar than the testimonies of talāq. 'Umar and 'Aṭā's view is better suited for qiyās since it requires one man and two women for all cases, and the *ḥadd* for *zinā*, *qadhf*, and *khamr* is lashing. So lashing is more similar to another punishment involving lashing than it is to raj'ah or nikāḥ. It's evident to anyone with intellect. Particularly, the mālikiyyah who apply qiyās on killing due to zinā, stating that if the killer is forgiven by the  $awliy\bar{a}$  of the victim, they must be lashed one hundred times and expelled for a year, a qiyās drawn from the punishments for an unmarried zāni. It is incumbent on them to apply qiyās here to accept the same number of testimonies. However, this diverges from the path of Allāh, yet they deem it necessary while not acting on it.

A wonder is that Mālik allowed for only one testimony for qatl and also accepted one vow from a wali for it. This stems from  $qiy\bar{a}s$  based on the testimony of vowing for  $amw\bar{a}l$ . This implies that they oblige themselves to extend this allowance to  $tal\bar{a}q$ ,  $nik\bar{a}h$ , 'tq, and others, without any distinction between them.





From the decisive evidences that two male witnesses are required for all matters related to huquq is that the Prophet made a condition for qada '18 which encompasses all huquq, and what is other than that is excluded by necessity.

<sup>&</sup>lt;sup>18</sup> Ṣaḥīḥ Muslim 1712: 3, 3/337 | 139: 223, 1/86

### Section: The Verses Regarding Dream Interpretation

Some of them also reference the verses regarding dream interpretation, their claims regarding it are all false. Anyone that claims this is qiyās is a jāhil that does not know what qiyās is. Firstly, a dream can never be accurately interpreted. They can be adgath (difficult to conclude a correct ta'wīl). It is prohibited to derive religious rulings regarding blood, private parts, wealth, or any obligation and any omission of 'ibādāt from dreams by anyone other than the Prophet . If a person uses this as an argument to validate the correctness of qiyās, which is not permitted to claim certainty in the religion of Allāh, then *qiyās* would be even more false than any previous claims they made. A dream is often interpreted with a conclusion opposite to what is observed. If qiyās were to be applied as they claim, they would have to take the opposite of a prohibition or order from Allāh and His Messenger. According to their definition, qiyās is: Judging matters that have not been directly addressed in texts by using a similar ruling to what has been determined by texts. This does not align with how dreams are interpreted. Anyone using dreams to bolster their argument on religious matters invalidates their argument from the start. We elaborated on what suffices for this when we clarified *I'tibār*.

### Section: The Verses Regarding Justice

Ibn Taymiyyah used as evidence for  $qiy\bar{a}s$ , the verse, "Verily Allāh orders justice and the good." [16:90]. He said, "Justice is making two things equal. And  $qiy\bar{a}s$  is making two matters equal in ruling."

The answer: This is instead among the greatest evidences against *qiyās* as Allāh did not say that equality alone implies similarity in ruling, and there are dozens if not hundreds of rulings that are similar to other matters, yet are different in ruling, this is from the certain evidences for the falsehood of *qiyās*.

Al-Shawkānī responded to Ibn Taymiyyah, May Allāh have mercy on them, "This is answered by that there is no evidence in it for what exactly is sought from it. If we would accept (as it is, in general), then it would apply for matters that are (merely) identical, unrelated to  $qiy\bar{a}s$  which is a branch from  $Ra\bar{\tau}$ , weak zann and corrupt imaginations."

'Abd Al-'Azīz Al-Ḥarbī said, "I add (on to what Al-Shawkānī said) that it is not from the justice for two matters to be equal merely due to a similarity between them. It is affirmed that the Prophet said, 'Horses may be used for three purposes: For a man they may be a source of reward (in the Hereafter); for another, a means of protection; and for another, a source of sin. The man for whom they are a source of reward, is the one who keeps them for Allāh's Cause and ties them with long ropes and lets them graze in a pasture or garden. Whatever those long ropes allow them to eat of that pasture or garden, will be written as good deeds for him and if they break their ropes and run one or two rounds, then all their footsteps and dung will be written as good deeds for him, and if they pass a river and drink from it though he has had no intention of watering them, even then, that will be written as good deeds for him. So such horses are a source of reward for that man. For the man who keeps horses for his livelihood in order not to ask others for help or beg his bread, and at the same time he does not forget Allāh's right of what he earns through them and

<sup>19</sup> Irshād Al-Fuḥūl pg. 343

of their backs (that he presents it to be used in Allāh's Cause), such horses are a shelter for him (from poverty). For the man who keeps them just out of pride and for showing off, they are a source of sin.' Then the Prophet was asked about donkeys. He said, 'Allāh has not revealed anything to me regarding them except this comprehensive Verse, 'Then anyone who has done good, equal to the weight of an atom (or a small ant) shall see it, and anyone who has done evil, equal to the weight of an atom (or a small ant) shall see it' [99:78]. If  $qiy\bar{a}s$  would have been an evidence then this would have been its place, and  $qiy\bar{a}s$  of the donkeys to horses would have been the most appropriate  $qiy\bar{a}s$ ."

<sup>20</sup> Sahīh Al-Bukhārī 7356

 $<sup>^{21}</sup>$  Al-Khulāṣah Fī Uṣūl Al-Fiqh ʿAlā Minhāj Ahl Al-Zāhir pg. 94-95

## The Verses Regarding Game Caught By Trained hunting animals.

They mention the verse, "They ask you, what has been made lawful for them. Say, 'Lawful for you are [all] good foods and [game caught by] from hunting animals (*jawāriḥ*) you have trained (*mukallibīn*)" [5:4].

They say, "We know that this ruling applies also to animals other than dogs and that is only because of  $qiy\bar{a}s$ , because the word kalb only is used in the verse, there is also  $ijm\bar{a}$  of the ummah on this  $qiy\bar{a}s$ ."

The answer: We believe that it extends to animals beyond dogs. However, there is no unanimous agreement  $(ijm\bar{a}')$  on this matter; instead, there is a difference of opinion  $(ikhtil\bar{a}f)$ : Ibn 'Umar, Mujāhid, Al-Daḥḥāk, Al-Suddī, Ibn Jubair, 'Aṭā' and others contend that it is only about dogs only, while Ibn 'Abbās and the majority claim that it encompasses any trained animal.

Proponents that it is exclusive to dogs might argue that all narrations from the Prophet regarding the topic only mention dogs, and the verse itself appears to refer specifically to dogs. They could also argue that it is not feasible to train birds or animals other than dogs.

We agree that  $nu \ \bar{y} \ \bar{u} \ \bar{y}$  from the Prophet only mentioned dogs in the narrations regarding hunting, except that our stance still includes animals beyond dogs because the verse is more general, Allāh the Most Exalted said, "From hunting animals  $mukallib\bar{u}n$ ," signifying that Allāh has made this applicable to all hunting animals. It is not permissible to disregard what is made general in one  $na \ \bar{s} \ \bar{s}$  based on other  $nu \ \bar{s} \ \bar{u} \ \bar{s}$  that only mention something specific within something general.

As for when Allāh said, "Mukallibīn," there is no evidence within it to suggest that it is prohibited for animals other than trained dogs to engage in hunting. Dogs cannot be conclusively inferred solely from this word; it would require the use of the term kilāb in the verse for such a specific restriction. The word, "Mukallibīn," means, "Mu'addibīn," "Mudrīn," and,

" $Mu'awwid\bar{\imath}n$ ." A mukallib is the one that teaching a dog to hunt, <sup>22</sup> and Allāh says, "From the hunting animals," this indicates that dogs are only some of the animals used to hunt, and not the only animal that can be used to hunt with.

<sup>&</sup>lt;sup>22</sup> Tāj Al- 'Arūs 4/169



## The Clarification For Every Single Narration They Mention From The Prophet # In Detail

It is now evident, and all praise is due to Allah, that there is not a single word from Allah that indicates anything of their method. Now we will continue and clarify how there is no evidence in any narration attributed to the Prophet #, by the will of Allah, the Most High, the Most Great. Allah Alone is Sufficient for us, and He is the Best Disposer of affairs.

# The Narration Regarding The *Imām* Using *Qiyās* When Leading The Prayer

They mention the narration that the Prophet  $\stackrel{\text{def}}{=}$  said, "If you are the  $im\bar{a}m$  then use  $qiy\bar{a}s$  (here with the meaning: measure) to lead the prayer accordingly to the weakest one in the congregation."<sup>23</sup>

The answer: This  $tar\bar{\iota}q$ , which includes the word  $qiy\bar{a}s$ , its chains is not free from Talhā Ibn 'Amr, he is known for falsehoods and is  $matr\bar{\iota}k$ . This view is also held by Ahmad, Yaḥyā, and others. And also well-known narrations from Abū Hurairah, 'Uthmān, and Ibn Abī Al-'Āṣ do not include the term  $qiy\bar{a}s$ . The  $tar\bar{\iota}q$  that does include it is the one we previously mentioned, and it is weak and  $matr\bar{\iota}k$ .

Even if it were authentic, which it certainly is not, it does not relate to at all prohibiting the sale of oak nuts for more oak nuts. The word  $qiy\bar{a}s$  here only signifies: to measure as per one of the definitions of  $qiy\bar{a}s$  in the language. This narration does not indicate deducing a ruling on what is not mentioned from texts based on  $qiy\bar{a}s$  from what is from the texts. It solely emphasizes the Prophets instruction to be considerate of the weaker individuals in the congregation. Additional narrations from the Prophet further emphasize making prayers more manageable. Uthmān Ibn Abī Al-ʿĀṣ said, "O Messenger of Allāh, appointment me as the  $im\bar{a}m$  of my people (in prayers). The Prophet said, 'You are their  $im\bar{a}m$ , but you follow (observe the strength of) the weakest among them and appoint a Mu  $\bar{a}dhin$  who does not charge for the call of  $adh\bar{a}n$ ." Abū Huraira said, "The Prophet said, 'When any of you leads the people in prayer he must be brief, for among them are the sick, the weak, and the aged. But when one of you prays by himself he may be as long as he likes."

<sup>&</sup>lt;sup>23</sup> Musnad Al-Bazzār 9315, 16/191

<sup>&</sup>lt;sup>24</sup> Al-Mustadrak 'Alā Al-Şahīhayn 715, 1/314

<sup>&</sup>lt;sup>25</sup> Sahīh Al-Bukhārī 703

## Section: The Narration Regarding A Muslim Not Being Stung From The Same Hole Twice

They mention the narration where the Messenger of Allāh said, "A Muslim is not stung twice from the same hole."<sup>26</sup>

They say, "The literal meaning is not used here; rather, it indicates the obligation of being cautious and not to return to harm again, and this interpretation is drawn from *qiyās*."

The answer: We have emphasized numerous times that we do not dismiss  $manq\bar{u}l$ , that words can be inferred with another meaning, if it is supported by authentic texts, or the Arabic language. And this is a case where it is understood in that manner from the Arabic language. No one has ever said that  $maj\bar{a}z$  (ta' $w\bar{\imath}l$ ) means  $qiy\bar{a}s$ . The  $maj\bar{a}z$  is taken as long as the apparent meanings are not possible. However, if this were, according to their perspective, based on  $qiy\bar{a}s$ , then they should consistently apply  $qiy\bar{a}s$  whenever they encounter the word "hole" to all situations in the world. Such as when the Prophet forbade urinating in a hole, they should perform  $qiy\bar{a}s$  to prohibit it in other places. Since they themselves do not do that, they have acknowledged that it is derived from the literal meaning because of the  $ijm\bar{a}$ . It is impossible to substitute another definition based on  $qiy\bar{a}s$ , as it should then be applicable to all 'ilal mentioned in the narration, which they neither use nor apply.

<sup>&</sup>lt;sup>26</sup> Ṣaḥīḥ Al-Bukhārī 6133

<sup>&</sup>lt;sup>27</sup> Tāj Al- 'Arūs 22/148 | Lisān Al- 'Arab 8/318

# The Narration Regarding The Man Repudiating Paternity Of His Black Child

In the name of Allāh the Compassionate, the Merciful. It has been narrated on the authority of Abū Hurairah, "A man from banī fazārah came to the Messenger of Allāh and said, 'My wife has given birth to a black boy.' He was intending to repudiate his paternity. The Prophet said, 'Do you have camels?' He said, 'Yes,' the Prophet said, 'What color are they?' He said, 'Red,' the Prophet said: 'Are there any dark ones among them?' He said, 'There are some dark ones among them.' The Prophet said, 'Where do you think they come from?' He said, 'Perhaps it is hereditary ('irq). The Prophet said, 'Likewise, perhaps this is hereditary.'"<sup>28</sup>

They say, "The Messenger of Allāh sused *qiyās* by recalling what is similar to the situation and instructed the man to give it the same ruling as with camels, as they seem alike."

They also say, "The Messenger of Allāh  $\stackrel{\text{\tiny{deg}}}{=}$  taught  $qiy\bar{a}s$  in this narration."

The answer: Anyone who examines the narration knows that nothing affirmative is mentioned in the narration; mere possibilities are presented. If the Messenger of Allāh  $\stackrel{\text{\tiny{de}}}{=}$  had indeed taught  $qiy\bar{a}s$  as a fourth source of evidence in the religion in this narration, it would have been necessary to clarify the pillars and conditions of  $qiy\bar{a}s$ .

Certainty is obligatory for repudiating paternity of a child, not mere assumptions. Every single doubt must cease before repudiating paternity, the man wanted to repudiate paternity of his child while, then the Messenger of Allāh made it clear that there is still a possibility that the child is his because of hereditary. As long as there remains a possibility, it is not allowed to repudiate paternity of a child based on assumptions. Even if the narration contained certainty, it would not suffice as evidence for *qiyās*.

<sup>&</sup>lt;sup>28</sup> Sahīh Muslim 1500

They say, "At the time the child appeared different in skin color from the father, there was no similarity between the asl and the far' as their colors were different. So,  $qiy\bar{a}s$  was invalid at that moment due to the presence of a  $f\bar{a}riq$  (negating effect) and the absence of a valid 'illah between them, as they are dissimilar. The child inherited different genes from predecessors, resulting in a different color from the father. At the same time, the child inherits genes from predecessors, leading to the same colors with one of the predecessors, which is the  $naf\bar{i}$  al- $f\bar{a}riq$  (affirmative effect) that makes the child and predecessors have the same colors. So the hereditary ('irq) is both a  $f\bar{a}riq$  (negating similarity between the father and child), and a wasf al- $j\bar{a}mi$ ' (having the same color as the predecessors). The Messenger of All $\bar{a}h$  clarified that this  $qiy\bar{a}s$  is the correct one. So, The Prophet invalidated his initial  $qiy\bar{a}s$  and simultaneously corrected it. To put it simply: the man first used a false  $qiy\bar{a}s$  with no 'illah, then the Prophet presented a correct  $qiy\bar{a}s$  with an 'illah which is the hereditary."

The answer: As mentioned before, there are only assumptions presented in the narration, nothing affirmative. The claims made, however, are false as well. There was no false  $qiy\bar{a}s$  used here according to your method; it would still be correct. And this would imply that there is then also no correction made by the Messenger of Allāh  $\approx$  by him using another  $qiy\bar{a}s$ .

The man, as it is evident in the narration, knows what a hereditary is. According to them the 'illah of hereditary is invalid if the child is not the same color as the father, and that it is at the same time correct as it would go along with one of the predecessors of the child.

This is a false 'illah because the color of the child is not the only thing that is included in hereditary. It is without any doubt every single trait, from face, hair color, eye color, body type, height, including the skin color of the child. It is then false to say that hereditary is false and correct at the same time; it is instead something that is always correct as it always includes some features of the father. 'Illah means that which always necessitates a thing in the other as we will clarify in great detail in the chapters of 'ilal. Hereditary inherently always carries some of the father and of the predecessors. If that is the case, then the man chose one aspect only of hereditary, which is the skin color and chose that to repudiate paternity, neglecting others. The man focused only on this particular aspect of hereditary, while he at the same time knows what hereditary is and had at the same time the 'illah in his mind that the child must be similar to him in skin color, and that he would otherwise

repudiate paternity. This is the 'illah the Messenger of Allāh \* opposed of the man making the child being different in color the 'illah to repudiate paternity.

The Prophet invalidated the man wanting something similar, which is in this case the skin color being the same only. This indicates that the 'illah they claim is false, and as it is false, the Messenger of Allāh did not correct the qiyās as claimed by them. Hereditary was used as an 'illah against the man repudiating paternity. Know that a mere 'illah attached to a ruling is not qiyās without any difference; it is only qiyās if the 'illah attached to a ruling is applied to another ruling. Qiyās is moving the ruling of the aṣl to the ruling of the far', and we then ask them: Did the Prophet move a ruling of animals to the ruling of humans? This is something impossible, it is not possible to move a ruling of animals who are not addressed any ruling to the ruling of humans. As we know that no ruling from one issue was moved to the ruling of another issue, we know that no qiyās occurred as animals are not obliged, prohibited or permitted anything.

We also know with certainty that the Messenger of Allāh did not take the 'illah of hereditary solely from camels and apply it to humans; instead, we know that hereditary is something more general; heredity applies to all living organisms, in general. It is impossible for heredity to exist solely because of the existence of camels and because camels have it; it must be applied to humans. And as it is general, it is not possible that this is *qiyās*, as an 'illah for *qiyās* cannot already be encompassed by something general.

This narration instead invalidates their entire method, as the Prophet  $\stackrel{\text{def}}{=}$  told him that a dark camel can be born from a red camel. With this statement, the Prophet  $\stackrel{\text{def}}{=}$  invalidated the method of it being obligatory to apply the same ruling to two things because of them seeming similar in some of their attributes. It is impossible for anyone with the least amount of intellect to use  $qiy\bar{a}s$  of the children of humans to the children of camels, while  $qiy\bar{a}s$  is only according to them returning a far' to the asl because of a similar 'illah between them as long as it is not something from texts already. Humans do not resemble others in some aspects of hereditary because of the reason that a dark camel can be born from red camels and also not any other animals. It is instead known by necessity that camels are not different from humans in pregnancy; there remains then no place for any  $qiy\bar{a}s$  here.

If  $qiy\bar{a}s$  would be necessary here, then the reproduction of humans being from hereditary, for the reason of  $qiy\bar{a}s$  from the reproduction of camels is the

same as saying salāt ul-maghrib is only obligatory because of qiyās from the obligation of salāt ul-dhuhr. And zakāh is only obligatory because of salāh being obligatory.

They themselves cannot come to an agreement on this narration being the clarification of qiyās for the fourth source of evidence in the religion. Ibn Dagīg Al-'Īd said there is no indication of *qiyās* in this narration as it is only related to wujūdī matters not with<sup>29</sup>. I mentioned before also that there is nothing affirmative mentioned in the narration. Only possibilities are presented.

Their claim that the man only used the wrong *qivās* only is against their method. According to their own conditions for a qiyās, it was not a qiyās in the first place. As they believe the man did not present an 'illah, and according to them a *qiyās* cannot exist with no '*illah*, the contradiction is very evident.

This narration would only ever indicate *qivās* if it would indicate that humans resemble other humans in some aspects of hereditary because of the reason that a dark camel can be born from red camels. And we do not know any creation of Allāh that believes this. They also concur that qiyās is a separate fourth source in the religion besides Qur'an, sunnah, and ijma', yet they claim to conclude qiyās from a narration where a man is asking for Qur'ān and sunnah, a narration that has not a single trace of clarification of what  $qiy\bar{a}s$  is and all the dozens of conditions which they created for  $qiy\bar{a}s$ .

All of these are also the words of the infallible, they concur in the first place that any words of the Prophet # are an aṣl and can never have a far', while *qivās* is moving a *far* 'to an *asl*. Using any words of Allāh and His Messenger to indicate is moving an asl to another asl, this is impossible, according to their own conditions. But we still clarify how it even beyond that has not a single trace of evidence for qiyas. All of this applies to all other narrations which will be mentioned by the will of Allāh. There not being any indication of *qivās* in this narration is also the view of Al-Bukhārī, Ibn Hazm, Wamīd Ibn Ramzī Ibn Ṣiddīq Al-'Umarī and Muqbil Ibn Hādī Al-Wādi'ī, Muqbil said, "None of these narrations indicate any *qiyās*." He also means the following narrations that will be mentioned by the will of Allāh. There is no power or strength except by Allāh.

<sup>&</sup>lt;sup>29</sup> Ihkām Ul-Ahkām Sharh 'Umdah Al-Ahkām 2/204

<sup>&</sup>lt;sup>30</sup> Ijābah ul-Sā'il pg. 309



# The Narration About The Prophet Approving The 'Qiyās' Of 'Ammār

Some of them have mentioned what is narrated that a man came to 'Umar ibn al-Khaṭṭāb and said, "I became <code>junub</code> but could not find water." 'Ammār ibn Yāsir then said to 'Umar ibn al-Khaṭṭāb, "Do you not remember that we were on a journey, you and I? As for you, you did not pray, but as for me, I rolled in the dust and prayed. I then mentioned this to the Prophet, "and he said: 'What would suffice for you was to do this."

So they claim, "Ammār assumed that the issue with no ruling regarding tayammum for janābah implied that its ruling was the same as that of ghusl for janābah, as tayammum is a substitute for ghusl. The Prophet invalidated this  $qiy\bar{a}s$ , but he did not invalidate the methodology he used, so this affirms  $qiy\bar{a}s$  as a methodology if it is used properly and invalidates false  $qiy\bar{a}s$  that has no basis."

This is from the wonders, as the majority of them acknowledge that the  $qiy\bar{a}s$  of 'Ammār was entirely invalidated, as  $qiy\bar{a}s$ , according to them, is impossible during the lifetime of the Prophet  $\stackrel{\text{\tiny{def}}}{=}$ . Others have said that  $qiy\bar{a}s$  was allowed until the religion became complete, allowing only a few cases with restrictions. So in any case, the majority among them have invalidated using this as evidence for  $qiy\bar{a}s$ .

Their claim is false for many reasons:

If they affirm that 'Ammār had used  $qiy\bar{a}s$  and that the Prophet  $\stackrel{\text{def}}{=}$  invalidated his  $qiy\bar{a}s$ , then from here onwards, we ask them:

Is every  $qiy\bar{a}s$  the  $q\bar{a}$  is draws correct, or are some of them correct and others false? If they say, "Every single  $qiy\bar{a}s$  is correct," they have claimed the impossible, because  $maq\bar{a}y\bar{\imath}s$  contradict one another, most annul others. It is impossible for something and its opposite—such as prohibition and permissibility—to both be true simultaneously. This is not a matter of naskh

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<sup>31</sup> Şahīh al-Bukhārī 338

or takhsīs, as with narrations that seem contradictory, where some abrogate others or some specify others.

And if they say, "Some of them are correct and others are false," they are then asked: Explain to us how you distinguish between valid *qiyās* and invalid ones. They will never be able to provide a criterion for this. As no certain, decisive evidence exists to differentiate between false and correct qivās, it is established that all *qivās* is entirely false, reducing it to a mere claim without burhān.

If they say, "So when the Prophet invalidated the *takhṣīṣ* made by some companions, did he invalidate takhsīs entirely? And if some narrations are weak, are then all narrations false?"

The answer: No. *Takhsīs* that fulfills the conditions we clarified before in this book is the truth with Allāh, and every single narration narrated with a connected chain by thigāt is the truth with Allāh. As for you, you affirmed that 'Ammār used  $qiy\bar{a}s$  and that he fulfilled the conditions of  $qiy\bar{a}s$ , and then this is what got invalidated, which is the entire meaning of a valid qiyās with them. We have written an entire chapter in this book gathering a hundred of their agyisah, each invalidating the other, each one claiming their giyās is the truth. The most well-known issue among these is *ribā*.

If they say, "He did not fulfill the conditions for a correct *qiyās*."

Then we say: Here you must surrender, because what the Prophet ## then remained silent on was also not the method of qiyās. So their claims are entirely invalidated, and all praise is for Allāh.

What indicates the falsehood of these claims further is that it is possible that 'Ammār could have concluded this by *ihtiyāt*, not *qiyās*.

And also, the silence in such situations is not approval. It is impossible for him so to invalidate what he approves.

And even if none of this were the case, then it is the  $mask\bar{u}t$  that is ambiguous and is *mawqūf* to a separate *dalīl*. There are numerous *barāhīn* on the falsehood of *qiyās* entirely, as we will mention soon.

It is also possible that what the Prophet \*\* was informed of was perhaps not the entire story, such that the aspect of  $qiv\bar{a}s$  was not made evident to him.

And also, the Prophet said, "What would only (innamā) suffice for you was to do this," and innamā is a hasr, so everything else is invalid in general.

And also, if you acknowledge that the Prophet invalidated *qiyās* here, you must surrender as well, as you claim that the Prophet # remained silent on clarifying which  $qiy\bar{a}s$  is correct and which is false. This would be attributing sins to the Prophet of Allāh  $\stackrel{\text{\tiny{def}}}{=}$ .

'Adī ibn Ḥātim narrated: "When the verse was revealed (about fasting), 'Until the white thread of dawn becomes distinct to you from the black thread [of night]...' [Al-Baqarah 2:187], I said: O Messenger of Allāh, I place under my pillow two cords, one white and the other black, to distinguish night from dawn. The Messenger of Allāh said: 'Your pillow is very wide! It means the blackness of the night and the whiteness of the dawn.'"<sup>32</sup>

The Prophet here invalidated 'Adī's view while he did not say anything about his way of thinking. Is then such a way of thinking valid? Instead, all of it is invalid with the entire meaning. This is very clear, and all praise is for Allāh.

<sup>&</sup>lt;sup>32</sup> Şaḥīḥ Muslim 1090

## Section: The Narration Regarding The Sale Of Dried Dates For Fresh Dates

They also mention the narration which is narrated on the authority of Sa'd said, "The Messenger of Allāh was asked about (the sale of) fresh dates with dried dates, and he said to those who were around him, 'Does the fresh dates decrease (in weight or volume) when they dry out?' They said, 'Yes,' so he prohibited that."<sup>33</sup>

As for the claim that the Prophet used 'ilal and qiyās regarding the sale of fresh dates for dried dates, this is false because this narration is nothing but about the ribā of dates in general, the Prophet said, "Do not sell dates for dates, except equal for equal, kind for kind, and the payment being made on the spot; but do sell dates for salt and salt for dates, payment being made on the spot, as you wish."

It is  $rib\bar{a}$  to sell dates for dates except if it is without delay and equal in amount, so the dates must be equal in weight and the Prophet  $\cong$  inquired wanting to know nothing but if it is equal in weight, which is why he asked if it decreases in size if becomes dry as fresh dates are much heavier in weight, so there is not a single place for  $qiy\bar{a}s$  or 'ilal in this.

There is no evidence in this narration for declaring ta ' $l\bar{l}l$  from among the sources of the religion and also not that a mentioned 'illah can be used for rulings other than the issue where the 'illah is mentioned by Allāh and his Messenger. And also they are the first ones to oppose this narration, as for the hanafiyyah they allow the sale of dried dates for fresh dates without any restriction. And the  $m\bar{a}likiyyah$  and  $sh\bar{a}fi'iyyah$ , all of them allow selling fresh dates for dried dates with the condition that the dates are still on the date

<sup>&</sup>lt;sup>33</sup> Sunan Al-Nasā'ī 4546, 7/524

<sup>&</sup>lt;sup>34</sup> Musnad Al-Shāfi 'ī 1394, 3/174

<sup>&</sup>lt;sup>35</sup> Al-Asl by al-Shavbānī 2/413



trees  $(bay' al-'ar\bar{a}y\bar{a})$ . And all of them allow selling  $jad\bar{\imath}d$  for dried dates while  $jad\bar{\imath}d$  dates are that which have shrunken a lot.

How can someone oppose an *'illah* he claims is the source of *'ilal* in  $ahk\bar{a}m$ . They are nothing other than those who Allāh said about, "They declare it  $hal\bar{a}l$  [for] one ear and they declare it  $har\bar{a}m$  [for] one year" [9:37]. If they would remain consistent with this *'illah* in every single thing, only then would they go according to their own method. But they are a people that do not follow  $nus\bar{u}s$  and also not their own method. There is no power or strength except by Allāh.

 $^{36}$  Al-Maʿūnah ʿAlā Madhab ʿĀlim al-Madīnah pg. 1018 | Al-Tamhīd Limā Fī al-Muwaṭṭaʿ 2/326 | Al-Umm by al-Shāfīʿī 3/25, 3/54

### The Narration Regarding Kissing During The Fast

It has been narrated on the authority of Jābir Ibn 'Abdullah, "'Umar Ibn Al-Khaṭṭāb said, 'I got excited one day and kissed [my wife] when I was fasting. I went to the Messenger of Allāh and said, 'Today I have done a horrible thing, I kissed [my wife] while I am fasting. The Prophet said, 'What do you think of rinsing your mouth with water when you are fasting?' I said: 'There is nothing wrong with that.' The Prophet said, 'So what?'"

If this were the only narration on the annulment of  $qiy\bar{a}s$ , it would be sufficient, as 'Umar thought that the act of kissing breaks the fast based upon  $qiy\bar{a}s$  from the prohibition of intercourse. This is because he said, "Today I have done a severe thing." The prophet then told him that even if things are similar or different in some of their attributes, that does not imply that they have to be the same in ruling. The Prophet clarified that rinsing the mouth does not break the fast, and if it reaches the throat on purpose, then it breaks the fast. The Prophet also clarified that intercourse does break the fast, but kissing does not break the fast.

This is, in reality, an annulment of  $qiy\bar{a}s$ , as there is no similarity between kissing and rinsing the mouth. They say, "Maybe the Prophet did  $qiy\bar{a}s$  from kissing to the act of rinsing the mouth instead of kissing to intercourse." We say, according to their method, they do not accept  $qiy\bar{a}s$  except when there are two things that share similarity in an attribute between them. If we were to use their method, we know that kissing is closer to intercourse than rinsing the mouth, as both kissing and intercourse are actions of pleasure. So kissing and intercourse are similar to each other, not rinsing the mouth to kissing. So 'Umar thought he had committed a sin like intercourse based on the  $qiy\bar{a}s$  he had in his mind, believing it to be the same, which is why he told the Messenger of Allāh that he had done a severe thing that day. The Prophet then only gave an example of rinsing the mouth, intending with it that one must not conclude that rulings are the same just because some attributes

between them resemble each other, and when some do not. With this, the Prophet separated the rulings on rinsing the mouth, drinking, kissing, and intercourse and concluded that matters resembling each other in some of their attributes do not, in of themselves, imply that they have the same ruling.

Then they say, "The Prophet did  $qiy\bar{a}s$  about what leads to intercourse, which is kissing, and about what leads to eating, which is rinsing the mouth, and that these acts alone cannot break the fasts as both acts do not include what it leads them to in the end, which is either intercourse or eating. When the Prophet saked him: 'What do you think of,' this implies that the Prophet agreed with 'Umar using  $qiy\bar{a}s$ , as the Prophet did not reject 'Umar using it. The Prophet only invalidated his  $qiy\bar{a}s$  and corrected it with the correct  $qiy\bar{a}s$ . There is a similarity between rinsing the mouth and kissing because they are both ways by which, if the person continues, it leads them to breaking the fasts. For rinsing the mouth, it is eating, and for kissing, it is intercourse."

The answer: There are three claims made, the first claim implies that rinsing the mouth is akin to kissing because both actions supposedly lead to something greater; kissing leads to intercourse, while rinsing the mouth leads to eating. This claim is false. In the majority of cases, rinsing the mouth, whether for  $wud\bar{u}$  or other reasons, does not lead to eating, whereas kissing one's spouse often leads to intercourse or other sexual activity. 'Umar's statement, "Today I have done a severe thing," regarding kissing invalidates the claim that rinsing the mouth and kissing share a similarity due to both leading to either eating or intercourse.

As we mentioned before, kissing is closer to intercourse than rinsing the mouth without any doubt, as both kissing and intercourse bring pleasure. So, kissing and intercourse are similar to each other, while rinsing the mouth is not similar whatsoever to kissing. 'Umar may Allāh be pleased with him mistakenly thought he had committed a sin similar to intercourse based on the faulty qiyās he had in his mind, assuming it to be the same, and he told the Prophet that he had done a severe thing that day. It cannot be denied that kissing shares an 'illah with intercourse, while rinsing the mouth is completely unrelated to kissing, sharing no 'illah with kissing, it is from their conditions that they take the strongest 'illah and forsake unrelated. Moreover, every action that exists can potentially lead to another action. Using the reason of an action leading to something else is then invalid, because everything that exists inherently leads to something else, even if the impact or influence is

minimal or insignificant, this is unrelated to *qiyās*. *qiyās* is intended to look into matters that share similarity between them while recognizing that there may be dissimilarity between other things so that only those things with the same similarity in a specific attribute receive the same ruling, while other dissimilar things have different rulings. Not a matter that shares similarity with every single thing that exists.

The second claim is that the question of the Prophet to 'Umar, "What do you think of," implies that he must have agreed with the method of *qiyās* 'Umar used. This is false because the Prophet asked many times the question, "What do you think of," and this never implied inherently that he agrees with every single thing mentioned to him before the question is asked. The Prophet also said at the end of the narration, "So what?" The word in Arabic is, "famah," this word implies reprimanding and an order to abstain. If the Messenger of Allāh would have validated his view which includes his *qiyās* it implies the belief that kissing the wife breaks the fast is the correct view and no creation of Allāh we know that believes in that.

The third claim is that the Prophet invalidated 'Umar's *qiyās* and then used a valid *qiyās*. From everything we mentioned, it can be concluded with certainty that what the Prophet said is not from *qivās*, as 'illah is a pillar of qiyās which has no place in this incident. It is also not possible for the Prophet # himself to make use of *qivās* and not to show some indication towards it, as everything the Prophet says is from wahī. While those who use qiyās claim it is a separate evidence in itself besides Qur'an, sunnah, and ijma'. When 'Umar said, "I kissed [my wife] while I am fasting," he did not know the permissibility of kissing during fasting. The Prophet asked him, "What do you think if you rinse your mouth with water when you are fasting?" And 'Umar replied, "There is nothing wrong with that." The question was to indicate a close situation where a person is not far from swallowing water; it was only to make him realize that the only thing that breaks the fast is if water enters the stomach. And that kissing the wife is allowed because of the clarification that nothing other than actually swallowing food or water breaks the fast. Not that kissing the wife is allowed only because of the ruling of rinsing the mouth being allowed, as they both have no resemblance

<sup>&</sup>lt;sup>37</sup> Lisan Al- 'Arab 15/472 | Tāj Al- 'Arūs 40/508

whatsoever. The close situation indicated by the Prophet is also not something we clarified before, about something leading to something else; that is false.

So since there is no resemblance between kissing and rinsing the mouth we know that the Messenger of Allāh did not take the ruling of another issue and applied it to the ruling of kissing during the fast and he also did not take the 'illah of another issue and apply it to the ruling of kissing during the fast. Given that all of this is now acknowledged and established, it's evident that no qiyās occurred. Instead, the Messenger of Allāh posed the question to educate him on the principle that similarity or dissimilarity in one aspect does not necessarily warrant the application of the same ruling. If this narration would indicate qiyās it would imply that the Messenger of Allāh only allowed kissing the wife during the fast, only because of the reason that there is nothing wrong with rinsing the mouth, we do not know any creation of Allāh that has uttered such before. There is no power or strength except by Allāh.

## Section: The Narration Regarding The Debts Of Allāh

It has been narrated on the authority of Ibn 'Abbās, "A man came to the Messenger of Allāh and said, 'O Messenger of Allāh, my mother has died [while] she had fasts to observe from the month [of *ramaḍan*]. Should I complete [them] on her behalf?' Thereupon the Prophet said, 'Would you not pay the debt if your mother had died [without her having paid it]?' He said: 'Yes.' The Prophet said, 'The debt of Allāh is the most deserving to be paid off."<sup>38</sup>

From another *ṭarīq* it has been narrated on the authority of Ibn 'Abbās, "A man said, 'O Messenger of Allāh! My father has died and he did not perform *ḥajj*; should I perform *ḥajj* on his behalf?' The Prophet said, 'Do you not think that if your father owed a debt that you would pay it off?' The man said, 'Yes.' The Prophet said, 'The debt owed to Allāh is the most deserving to be paid off."

The *shāfi 'īyyah*, *ḥanafiyyah*, and *mālikiyyah* all oppose these narrations because they do not allow making up fasts for the one who passes away, and not just for those who pass away; they do not allow making up fasts on behalf of anyone. The *mālikiyyah* and *ḥanafiyyah* also say that the debts of the people precede the debts of Allāh because Allāh is in no need of anything. While they hear the words of the Prophet , "The debt owed to Allāh is the most deserving to be paid off." Yet they say, "No the debts owed to the people are more deserving to be paid off than the debts of Allāh."

We do not know an innovation in religion that is uglier and more repugnant than this, because the people of innovation did not authenticate the *ḥadīth*, so they are more excusable for abandoning them. While these

<sup>&</sup>lt;sup>38</sup> Şaḥīḥ Muslim 1148

<sup>39</sup> Sunan Al-Nasā'ī 2639

innovators agree with us that a *khabar ul-wāḥid* (solitary narration) from the upright narrators is an absolute truth that cannot be opposed, while they have no valid criticism of these chains of transmission, they proceed to openly oppose them. It is beyond doubt that whoever receives these authentic narrations and acknowledges its authenticity, then he permits opposing what is authentically narrated from the Messenger of Allāh by following the statements of Abū Ḥanīfa, Mālik or Al-Shāfiʿī may Allāh have mercy on them, or anything other than the words of Allāh and his Messenger, he is a disbeliever, whose blood and wealth are lawful to be taken, and he is akin to Jews and Christians. As for someone who acknowledges its authenticity of such a chain and rules by it in religion, but believes it is not valid, he is wicked, shameless, and lacking in modesty, openly flaunting his opposition. We seek refuge in Allāh from both of these approaches, as they lead to destruction and abandonment of all rulings.

As for us, there is no indication for any *qiyās* in this narration. Allāh says in the verse of inheritance, "After any bequest which was made or debt" [4:12]. Allāh made debts here general. What Allāh obliges on our wealth is called a debt. And from texts, we get to know that certain orders of Allāh are also referred to as debts and that they have the highest priority and are the most deserving to be fulfilled.

While the narration about making up fasts for others is authentically narrated from Ibn 'Abbās, 'Ā'isha, and Buraidah, most of the adherents to *qiyās* go with the view that making up fasts for others is also invalid.

Al-Ḥāfiẓ Ibn Ḥajar said, "The people of ḥadīth have allowed and validated making up fasts for those who have passed away. It is the view of Abū Thawr and a group of the Shāfi Tmuḥaddithīn. But Al-Shāfi T, Mālik, and Abū Ḥanīfah said, 'There is no making up fasts for those who have passed away.' And Aḥmad, Isḥāq, and Abū 'Ubaid said, 'There is no making up fasts for those who pass away except if it was from vows.' Because of a restriction (taqvīd) in a narration of 'Ā'isha."

The adherents to  $qiy\bar{a}s$  claim that this narration is a guidance towards  $qiy\bar{a}s$ , and some of them claim  $ijm\bar{a}$  on it. Al-Qurṭubī said, "When the Prophet said, 'The debt of Allāh is most deserving to be paid off.' It is not literally the most deserving by  $ijm\bar{a}$ .' The debts of the servants of Allāh are more deserving than the debts of Allāh because the Muslims are in need of it while

<sup>&</sup>lt;sup>40</sup> Tuhfah Al-Ahwadhī 3/335

Allāh is not in need of anything, and there is  $ijm\bar{a}$  on this. This is also the view of Ibn Al-'Arabī al-Mālikī."<sup>41</sup>

The claim of *ijmā* and that the debts of Allāh are not most deserving are both false. Al-Ḥāfiz Ibn Ḥajar said, "The debts of Allāh preceding the debts of the Muslims are one of the views of al-Shāfi ī."

Their claims are the direct opposite to the *manṭūq* (apparent) understanding of these narrations. Most of them align with Al-Qurṭubī's claim, giving precedence to the debts of the people over the debts of Allāh.

They say, "The Prophet  $\stackrel{\text{def}}{=}$  guided the people to  $qiy\bar{a}s$  about paying off the debts of Allāh from hajj on behalf of others because of the reason that it is allowed to pay off the debts of others in matters which are not the debts of Allāh."

The answer: These poor individuals speak with the misguided opinions, based on  $taql\bar{\iota}d$  of those who are fallible. This is a clear fabrication attributed to the religion of Allāh. The Prophet in never said regarding the 'illah' of the ruling, "Because of the reason the ruling of paying off the debts of Allāh is so-and-so, the ruling of paying off the debts of Allāh is the same. And the issue for which no revelation was revealed got the same ruling as the rulings of the revelation." And only if this would be the case it would be a  $qiy\bar{a}s$ , which is something that did not happen according to anyone with even a modicum of comprehension. And while Allāh made a very clear difference in the ruling of His debts and the debts of the people, because His debts precede the debts of the people. There is then not a single indication for  $qiy\bar{a}s$ .

They say, "In case of a person's demise with outstanding obligatory  $zak\bar{a}h$  or having not performed the obligatory hajj, along with unpaid debts to others, the debts owed to people take precedence over the debts owed to All $\bar{a}h$ ."

This is what they understand from the  $\bar{a}yah$ , "After any bequest which was made or debt" [4:12]. If a person who has passed away missed fulfilling their obligations of paying  $zak\bar{a}h$  or performing hajj, there are varying opinions among the adherents to  $qiy\bar{a}s$ . The majority of them hold the view that the debts owed to Allāh are no longer obligatory to be paid off after their passing, unless a bequest (wasiyyah) is made that specifically includes those debts. Aḥmad and Al-Shāfi'ī said, " $zak\bar{a}h$  and hajj are all paid from ra's  $ul-m\bar{a}l$ ."

<sup>&</sup>lt;sup>41</sup> Tafsīr Al-Ourtubī 4/152

In a situation where a person passes away and does not leave sufficient inheritance, while having both debts to Allāh in the form of missed fasts, *ḥajj*, or *zakāh*, as well as debts to the people, Al-Qurṭubī claimed *ijmā* 'that the debts of the people take precedence over the debts of Allāh. This claim is false with no evidence presented and contradicts the *manṭūq* understanding of the narrations. Ibn Ḥajar, on the other hand, holds the opposite view, stating that there is *ikhtilāf* on whether the debts of the people or the debt of Allāh should be given priority.

As for the muta ' $akhir\bar{u}n$  from the adherents to  $qiy\bar{a}s$ , they claim that these narrations are a guidance towards  $qiy\bar{a}s$ , there is no doubt that these narrations indicate nothing from  $qiy\bar{a}s$ . There is only in it guidance in understanding ' $um\bar{u}m$  as it is necessary. This becomes clear from the words of the Prophet ,\(\vec{w}\) "Do you not think that if she owed a debt that you would pay it off?" She answered, "Yes." This indicates that she knew the  $wal\bar{\iota}$  of the one passing away pays off the debts of the one that passed away. As she knows that, there remains no valid reason to limit paying off debts for the people only leaving off the debts of All\(\vec{a}h\). Otherwise there is no value in her question and also not to the answer she got from the Prophet \(\vec{w}\). She was unsure about the issue and she did what was obligatory on her, which is to ask and refer the matter to the Messenger of All\(\vec{a}h\) \(\vec{w}\) if she is unsure. There could be many possibilities why she asked the question, among them is that the debts of All\(\vec{a}h\) were not from the customs ('urf) among the Arabs before Isl\(\vec{a}m\). She could also have done ta' $w\bar{\imath}l$  of the  $\bar{a}y\bar{a}t$ .

The order from the Prophet  $\cong$  is 'umūm (general), which implies that  $qiy\bar{a}s$  is not possible. One of the conditions they set for  $qiy\bar{a}s$  is that it cannot already be encompassed by a general order, otherwise, it is not  $qiy\bar{a}s$ . What confirms that the order is general is that the Prophet  $\cong$  said, "The debt owed to Allāh is most deserving to be paid off." The word "debt" was used to indicate the  $huq\bar{u}q$  of Allāh. This implies that fasting and hajj are the exact same to property owed to people, making all of them a debt. There is no preventative measure from this being part of the same general ruling.

The verse, "After any bequest which was made or debt," [4:12] clarifies that debts must be paid off in general. And the narrations in this chapter only confirm that pilgrimage and fasting are part of this general ruling of paying off debts.

They say, "If that ruling would be general, then the prayer would also fall under the same category, making it a debt, and the *walī* of the deceased person

who missed prayers would be obligated to make up all the missed prayers on their behalf."

We say: Yes indeed this would be obligatory without any doubt, if there would exist texts declaring prayers a debt. Their question also applies to their own method regarding performing hajj on behalf of someone else; they consider it an act of obedience just like the prayer. This is especially true for those who claim that it is permissible to make up any missed prayer for a living person, regardless of the time. But the term 'debt' is not used for every single religious obligation. Debts are specifically related to the *dhimmah*, which is that which is obligatory to fulfill. While hajj and siyam are both additionally named debts by the Messenger of Allāh, the same did not occur for salah; there is no text declaring it a debt of Allāh. If there were texts clarifying that prayers are debts of Allāh, it would indeed be obligatory to pay all of them off by praying it on behalf of them. Their argument, claiming that the mantaq of the narration is left off due to the possibility of salah being related to debts, is not acceptable; there is no certain evidence presented for this false claim.

They say, "If we were to accept your claim, then there would be no reason for the Prophet \*\* to inquire about paying off debts from others, and the purpose behind those questions would become meaningless. The answer to the questioner would be limited to a simple "yes" without any further elaboration or inquiry."

They also say, "It is possible that the debts mentioned in the verse, "After any bequest which was made or debt," [4:12] refers specifically to property debts and not every single debt in general. Otherwise, everyone would have to wait until every single missed fast is made up for the deceased, and the distribution of their money would have to be delayed until all of that is completed. And if your claim is correct, then why did the Prophet  $\stackrel{\text{def}}{=}$  not directly refer to the verse instead of using  $qiy\bar{a}s$ ?"

Their first claim, that the Prophet  $\cong$  would only say "yes" and not ask the question as it would rule the questioning meaningless, is completely false for two certain reasons. Firstly, it is an example put forth by the Messenger of Allāh, because it is acknowledged that the 'illah' of people having debts does not inherently indicate that the debts of Allāh precede the debts of others. This is something they themselves acknowledge; that this 'illah is not used at all, and there cannot exist any  $qiy\bar{a}s$  without an 'illah by the agreement of those whose difference is considered. Since we know that there was no  $qiy\bar{a}s$ 

involved, it is only an example put forth. Allāh the Most Exalted says, "Indeed, Allāh does not feel shy in citing any parable, be it that of a gnat or even something more lowly. Now, as for those who believe, they know it is the truth from their Lord; while those who disbelieve say, 'What could Allāh have meant by this parable?' By this, He lets many go astray, and by this, He makes many find guidance" [2:26]. It is an act of *kufr* for to impose a saying on the Messenger of Allāh as anything he says is from revelation. So it is irrelevant and unnecessary and even prohibited for us to speculate about the reason why he asked the question and affirm a made up reason for it, whether we know it or not does not change that no *qiyās* took place. The example put forth has benefits; we do not affirm this as the reason, however, it has benefits. It clearly serves as a *ta'kīd* that *ḥajj* and *ṣiyām* are indeed part of the general order of paying off debts and they precede the debts of others. It is not possible to understand anything else from this narration.

Secondly, there are other narrations where the Prophet provides the same answers about the debts of Allāh taking precedence over the debts of people, without asking the question. It is narrated on the authority of Ibn Abbās, "Sa'd Ibn 'Ubādah asked the Messenger of Allāh, 'My mother has died and she could not fulfill her vow which she had taken.' The Prophet said said, 'Fulfill it on her behalf.'" And it is narrated on the authority of Ā'isha that the Prophet said, "Whoever dies with an obligatory fast on him, then his walī makes up the fast for him." These obligations imply the same as the narrations where it is mentioned that hajj and siyām are debts. Those narrations provide additional information that hajj and siyām are also considered debts and that they take precedence over all other debts owed by the people.

Regarding the claim that the verse is specific to property only, implying that distribution of inheritance would have to wait until the debts of hajj and  $siy\bar{a}m$  are fulfilled if they were not done by the deceased person, Glory be to Allāh! These very claims are the exact questions that was asked to the Prophet about the debts of hajj and  $siy\bar{a}m$ . And the Prophet explicitly clarified that these are the debts that take precedence over the debts of the people. If it would not then there would remain absolutely no meaning to any narrations on these topics, which is false to believe. As most of them reject making up

<sup>&</sup>lt;sup>42</sup> Taʻlīqāt Al-Ḥassān ʻAlā Ṣaḥīḥ Ibn Ḥibbān 6/404

<sup>43</sup> Sahīh Al-Bukhārī 1952

the debts of Allāh, or it preceding the debts of the people. They all believe in the principles of 'umūm and khuṣūṣ, and here they abandon the pricple of 'umum when the Prophet # himself placed hajj and siyam in the general order of paying off debts and emphasized that they are most deserving to be paid off.

They say, "So if a Muslim passes away with remaining fasts from ramadān and was unable to perform haji, you wait until all of this is fulfilled before the heirs and creditors receive their share of the wealth?"

The answer: When any Muslim passes away, the first thing done with his property is paying of the debts of Allāh. These debts include missed zakāh. kaffārah, haji, fasting and any other debts owed to Allāh. After settling these debts, if there is any remaining property, it is used to pay off other creditors. If there is still property left after settling all debts, it is used to cover the cost of enshrouding the deceased. If there is still property remaining after this, then bequests are paid from one third of what is left, and anything beyond that is inherited by the heirs.

They also say, "The obligation of paying off the debts of Allah falls off after a person's death, because of the verse, 'And that there is not for alinsān except that for which he strives.' [53:39] And other similar verses."

While this verse is indeed general, except that the principle of 'umūm is of various types. Had the verse been, "There is not for insān, except that for which he strives," without alif and lām, which is not in these verses, it would invalidate making up any acts of worship for anyone, except what is specifically ordered to be paid off such as hajj and siyām, from this general verse. So, there is no evidence for them even if that were the case with this verse. However, in the verse, it is mentioned with alif and lām "alinsān" instead of "insān." This negates taking the definition with its complete general meaning. The verse does not contradict what we are ordered; there is nothing for a man except that he strives for what Allah and His Messenger have ordained. The Prophet # himself obliged the walī of a deceased person, who had missed obligatory fasts, to make up those fasts on his behalf, the same for hajj. Those who oppose this, while obliging the making up of hajj for the living, freeing slaves, and giving charity, use this verse to argue against fasting, invalidating their own sayings by their contradictions. Even if it were considered a bequest for *hajj*, freeing slaves, or giving charity, then a bequest can also be made for fasting, while they oppose this as well.

The narration attributed to the Messenger of Allāh, wherein he said, "When a man dies, his acts come to an end, except for three: recurring charity, knowledge (by which people) benefit, or a pious son who prays for him (for the deceased)," does not imply anything about the prohibition of fasting for the deceased person. Even if it did, which it doesn't, the *walī* fasting for the deceased would be an additional ruling, and such rulings are not left out; they are accepted and acted upon. We clarified the method of this before in the chapters about the specifications.

And All narrations suggesting that the Prophet did not accept fasting for a deceased person are weak. As for the *salaf*, it is also the view of Tāwūs and Ḥammād that it is obligatory for the *walī* of the deceased to fast on his behalf for the missed obligatory fasts.

All of them also abandon the  $qiy\bar{a}s$  of fasting for the ones that passed away if they made a bequest to performing hajj on behalf of the deceased, they are  $ahl\ ul$ - $qiy\bar{a}s$  as they claim but are the first ones to abandon  $qiy\bar{a}s$ .

If it is said, "What about *zakāh*?" The answer: The word "debt" applies in Arabic also for every single thing Allāh obliged on our property, this includes *zakāh* and *kaffārah* as well.

If only those individuals would heed their own words, they would realize that there is nothing more concerning than the statement that suggests, "If the Messenger of Allāh instructs us to fast and perform hajj on behalf of others, and if he tells us that settling the debts owed to Allāh takes precedence over settling debts owed to people, then it becomes obligatory to abandon this order. It is impermissible to fast on behalf of others or to use this narration. Despite this, we still maintain that this narration signifies qiyās as the fourth source of evidence in religion, and that this narration indicates that transactions such as selling honey for more or less than its value is prohibited, as are transactions like exchanging ram meat for rabbit meat, or selling cotton for more cotton."

Blessed is Allāh, the Lord of the mankind, *jinn* and all that exists! How ugly and repugnant this is to those who see with the eye of truth. They should feel ashamed when a narration they are the first ones to disobey, opposing directly what it entails and continue to let their tongues utter the analogy from this narration, when there is absolutely no basis for analogy in it. And we seek refuge in Allāh from being abandoned.

### Section: The Narration Regarding Ordering Muʿādh To Judge With *Ra* ʿī

It is attributed that on the authority of some companions of Muʿādh Ibn Jabal, "When the Messenger of Allāh intended to send Muʿādh Ibn Jabal to Yemen, he asked him, 'How will you judge when the occasion of deciding a matter arises?' He replied, 'I will judge in accordance with the book of Allāh.' The Prophet then asked, '[What will you do] if you do not find the answer in the book of Allāh?' He replied, '(I will act) in accordance with the *sunnah* of the Messenger of Allāh." The Prophet then asked, '(What will you do) if you do not find the answer in the *sunnah* of the Messenger of Allāh. and in the book of Allāh?' He replied, 'I will do my best with my Ra '7.' The Prophet then patted him on the breast and said, 'Praise be to Allāh Who has helped the messenger of His Messenger to find something which pleases the Messenger of Allāh."

This narration is in all of its  $marf\bar{u}$ ' turuq weak. The problems with its  $as\bar{a}n\bar{\imath}d$  are that Al-Ḥārith Ibn 'Amr is unknown ( $majh\bar{\imath}d$ ), and his  $shuy\bar{\imath}kh$  (his companions mentioned in the narration) are also all unknown. There are only acceptable  $mawq\bar{\imath}f$  narrations with the same meaning and no  $mawq\bar{\imath}f$  is ever an evidence as they are not the words of the Messenger of Allāh. It is not allowed to use the narration of Mu'ādh because of its weakness. There is also no one from the era of the  $sah\bar{\imath}abah$  that mentioned anything regarding this event and also no one from the era of the tabi' table market mentioned

Al-Ḥāfiz Ibn Ḥajar said, "Al-Tirmidhī said, 'We do not know anything about Al-Ḥārith except that he is mentioned in this *isnād* and its *isnād* is disconnected.' Al-Bukhārī said, '[The narration of] Al-Ḥārith narrating about the companions of Muʿādh is weak, nothing about [the status of] Al-Ḥārith is known except this (weak) narration.' Al-Dāraquṭnī said, 'Ibn Mahdī said, 'Shuʿbah narrating from Abū 'Awn is *mursal* and the groups that are

<sup>&</sup>lt;sup>44</sup> Sunan Abī Dāwūd 3592

mentioned as well.' It being *mursal* is the most correct view.' Ibn Ḥazm Al-Zāhirī said, 'The narration is weak, because Al-Ḥārith and his *shuyūkh* are all unknown, some people claim this narration has *tāwatur* and that is a lie because no one other than Abū 'Awn narrated it from Al-Ḥārith, how can that then be *mutawātir*?' 'Abd Al-Ḥaqq Al-Ishbilī Al-Zāhirī said, 'This narration is not connected, no authentic version exists of this narration.' Ibn Al-Jawzī said, 'This narration is weak, even if all those scholars had mentioned this narration in their books and depended on it.' Ibn Ṭāhir said, 'Know that I examined this narration from both the smaller and greater *masānīd* and asked *ahl ul-'ilm* about this narration and found nothing for this narration other than two *isnāds* for it. First is from Shuʿbah and the other from Muḥammad Ibn Jābir who narrated from Ashʿath Ibn Abī Al-Shaʿthāʾ who narrated from a man from Thaqīf who narrated from Muʿādh<sup>45</sup>.

Ibn Al-Mulaqqin said, "This narration is mentioned often repeatedly in the books of the *fuqaha*',  $u \bar{s} \bar{u} l i y \bar{l} n$ ,  $m u \dot{h} a d d i t h \bar{l} n$  and they rely on it but it is weak according to  $i j m \bar{a}$ ' of ahl u l- $n a q l^{46}$ 

Ibn Diḥyah Al-Ṭāhirī said in his book refuting Abū Bakr Ibn Al-ʿArabī about this narration, "This narration is well known among those weak in  $fiqh^{47}$ 

Al-Jurgānī said, "This narration is *bātil* <sup>48</sup>

Abū Dāwūd said, "This narration is not authentic in its musnad<sup>49</sup>.

The narration is also declared weak by Al-ʿUqaylī, Al-Buṣīrī, Ibn Kathīr, Ibn Ḥajar, Al-ʿIrāqī, Shuʿayb Al-Arnaʿūṭ, Al-Shaykh Ḥusain Asad, Al-<sup>50</sup>, Al-Musnad Al-Mūsānnaf Muʿallal<sup>51</sup> and others.

Certain individuals attempted to enhance the 'adālah (make tawthīq) of Al-Ḥārith as a narrator, pointing to Ibn Ḥibbāns tawthīq (declaring a narrator to be reliable) of him. Al-Zarkashī makes reference to this in his Al-Muʿtabar. It appears that Al-Zarkashī may have had some misunderstandings regarding Ibn Ḥibbāns tawthīq methodology. Ibn Ḥibbāns approach is affirming the

<sup>&</sup>lt;sup>45</sup> Al-Talkhīs Al-Habīr 4/445-448

<sup>&</sup>lt;sup>46</sup> Al-Badr Al-Munīr 9/534 | Tahqīq al-Mu'tabar Page 67

<sup>&</sup>lt;sup>47</sup> Al-Badr Al-Munīr 5/214

<sup>&</sup>lt;sup>48</sup> Al-Abātīl 101

<sup>&</sup>lt;sup>49</sup> Al- 'Ilal 1001

<sup>&</sup>lt;sup>50</sup> Da'īf Sunan Al-Tirmidhī 154

<sup>&</sup>lt;sup>51</sup> Al-Musnad Al-Musannaf Al-Mu'allal 11025, 24/479

<sup>119</sup> Al-Thiaat 1/13



reliability of narrators for whom there is not known any jarh criticism for. He explicitly explains this method in his al-thi $q\bar{a}t$ . 119

Ibn Ḥibbāns inclusion of numerous unknown narrators in his al-thi $q\bar{a}t$ , about whom absolutely no information is known, is false. He grants  $tawth\bar{t}q$  to these narrators based solely on the absence of any jarh except in the case of narrators who are explicitly  $majh\bar{u}l$ . So if Ibn Ḥibbān includes someone who is  $majh\bar{u}l$  in his al-thi $q\bar{a}t$  his  $tawth\bar{t}q$  is not relied upon unless someone of the reliable previous ones made  $tawth\bar{t}q$ . There are some others that went with the path of Ibn Ḥibbān in this, and their  $tawth\bar{t}q$  is thereby invalid.

Al-Ḥārith is also not the only problem in the narration; there are also unknown *shuyūkh* (the companions of Muʻādh mentioned in the narration) from whom Al-Ḥārith himself narrates. These *shuyūkh* are all unknown, and someone else, also unknown (Al-Ḥārith), claims that they are from the companions of Muʻādh, which is again attributed to Al-Ḥārith.

What is often falsely used as an argument to strengthen this narration is that the companions of Muʻādh being unmentioned is not a defect, this argument is used by Al-Dhahabī, Ibn Al-Qayyim, Ibn Rajab. This claim has no value, it is a false method to make *tawthīq* of unmentioned narrators other than the companions of the Messenger of Allāh, especially since the one that claimed in this narration that it was the companions of Muʻādh is himself *majhūl*. The companions of Muʻādh being unknown is also not the only defect in this narration, they are the following: *irsāl*, *jahālah* of Al-Ḥārith Ibn ʻAmr, *jahālah* of the companions of Muʻādh and the weakness of Muḥammad Ibn Saʻīd Ibn Ḥassān and Al-Shadhakūnī who is a liar.

As for Al-Dhahabī he had  $Idtir\bar{a}b$  about the status of Al-Ḥārith and he cannotbe relied on regarding Al-Ḥārith, he once claimed he was not  $majh\bar{u}l$  but a  $sad\bar{u}q$ . While he says about him in Al-Mīzān that he is indeed  $majh\bar{u}l$ . And a  $sad\bar{u}q$  is not taken.

There is not a single indication to raise the status of *jahālah* of Al-Ḥārith. Al-Zarkashī also mentions Al-Kawtharī who said, "Regarding Al-Ḥārith Ibn 'Amr, it should be noted that he is no longer considered unknown, as Ibn Sa'd has shed light on his lineage, stating that he is the son of his brother Al-Mughīrah Ibn Shu'bah. This information has clarified his identity and lineage."

<sup>&</sup>lt;sup>52</sup> Al-Mu'tabar Pg. 67-68, Maqālāt of Al-Kawtharī pg. 60-61

The claim that a narrator's lineage alone is sufficient to determine their virtuousness and knowledge is false, as it disregards the essential criteria required by *ahl ul-'ilm* for *tawthīq*. None of them ever recognized that merely knowing the name of a narrator's name or father is enough information to ascertain their reliability. *Tajrīḥ* has been applied to some sons of the greatest *ṣaḥābah*, which indicates that more than just lineage must be known to establish a narrator's trustworthiness. To consider someone as known solely based on their kinship, without any other relevant information, leaves them in an unknown status. This method of determining reliability is rejected by all *muḥadithūn* and *fuqaha'*, except when it concerns the *ṣaḥābah* only, not anyone after them.

Some of them such as Ibn Al-Qayyim have attempted to strengthen the weak narration of Muʿādh by citing a narration from a man accused of fabricating narrations, Ibn Al-Qayyim did this by citing Abū Bakr Al-Khaṭīb who said, "It has been claimed that 'Ubādah Ibn Nusay narrated from 'Abd Ur-Raḥmān Ibn Ghanm, who, in turn, narrated from Muʿādh and this *isnād* is fully connected, with all the narrators in the narration known for their trustworthiness." <sup>53</sup>

But al-Khaṭīb does not mention the complete *isnād* which Ibn ul-Qayyim blindly mentions from him, he does not mention the *isnād* and also not the *matn*. Al-Zarkashī also blindly uses this also from Al-Khaṭīb to cease the state of the narrators being unknown who narrated from Muʿādh. But this narration is also false, this narration includes Muḥammad Ibn Saʿīd Ibn Ḥassān who got crucified for his *zandaqah*. There is however *ibhām* (a narrator is not mentioned) of him in the narrations<sup>54</sup>.

But it becomes clear that the was indeed a narrator of this narration from the *ṭarīq* applied by Al-Nasāʿī, Al-Jurqānī and Ibn ʿAsākir: Al-Ḥasan Ibn Ḥammād Sajjādah —» Yaḥyā Ibn Saʿīd Al-Umawī —» Muḥammad Ibn Saʿīd Ibn Ḥassān —» ʿUbādah Ibn Nusay<sup>55</sup>. So Its complete *isnād* which they did not mention includes a narrator who got crucified for his *zandaqah* who is not upright and is also not known for his memory. There is another *ṭarīq* of this narration applied by Ibn ʿAsākir: Sulaymān Al-Shadhakūnī —» Al-Haytham

<sup>&</sup>lt;sup>53</sup> I'lām al-Mawqi'īn 1/155

<sup>&</sup>lt;sup>54</sup> Al-Nukat Al-Dharaf 8/422

<sup>&</sup>lt;sup>55</sup> Sunan Ibn Mājah 55 | Al-Abātīl 102, Tārīkh Dimashq 16/310

Ibn 'Abd al-Ghaffār —» Sabrah Ibn Ma'bad —» 'Ubādah<sup>56</sup>. Al-Shadhakūnī who is in the chain is a liar. There is no difference of opinion among the scholars of *ḥadīth* that he is forsaken and not used for any narration. There is not a single other *tarīq* for this narration. This declares the narration weak. And that is only regarding the *isnād* of that narration, because the *matn* that comes along with it has nothing to do with their method and nothing to do with *qiyās*, it goes against all of what they conclude from the narration. As for the *matn* this narration, "Mu'ādh Ibn Jabal said, 'When the Messenger of Allāh sent me to Yemen, he said, 'Do not pass any judgment or make any decision except on the basis if what you know. If you are uncertain about a matter, wait until you understand it fully, or write to me concerning it.""<sup>57</sup>

If this is well understood, it becomes evident that the claim that the entire *ummah* accepted and acted upon this narration is nothing more than a false claim made by Al-Juwaynī, Ibn Al-Qayyim, Al-Zarkashī, and others. Even if they argue that Ibn Taymiyyah considered the narration as *jayyid*, it must be known that the conclusion of *jayyid* is a lenient stance from the *muta'akhirīn* (later scholars), and it is not acted upon unless there is substantial evidence to authenticate it, which they have failed to present as it does not exist. We clarified the conditions of authentic narrations before which this narration is far away from. And it is from the false claims that the entire *ummah* accepted and acted upon this narration when dozens scholars of *ḥadīth* weakened them with compelling evidence as mentioned earlier. And also, those who use that narration themselves reject certain parts of the narration and use only specific aspects of it.

They also argue that this narration bears similarity to other accepted narrations, which contributes to its acceptance. Ibn Al-Qayyim cites Abū Bakr Al-Khaṭīb, who stated, "Ahl ul-'ilm have cited this narration (of Muʿādh) and used it as evidence, so we follow their lead and assume its authenticity, just as we did with other narrations where the Prophet said, 'No bequest must be made to an heir.' And what the Prophet said regarding the sea, 'Its water is purifying and its dead (animals) are lawful (to eat).' And when the Prophet said, 'If both parties in a business transaction differ (on the price of an article), and they have witnesses between them, the statement of the owner of the article will be accepted (as correct) or they may annul the transaction.'

<sup>&</sup>lt;sup>56</sup> Tārīkh Dimashq 7481, 58/411

<sup>&</sup>lt;sup>57</sup> Sunan Ibn Mājah 55

And when the Prophet said, 'The blood money must be paid by the near male relations.' Although these narrations are not authentic, they are accepted by the scholars, which provides us with certainty to use them without needing to inquire further about their *isnād*. Similarly, with the narration of Muʿādh, since it has been widely used as evidence, we no longer find it necessary to investigate its chain of narrators, we believe and take from it."58

Al-Khaṭīb and those who follow him in this matter are mixing truth with falsehood. There is no doubt that the narration of Muʿādh is weak. However, all the other narrations mentioned by Al-Khaṭīb are authentic and their authenticity is well-established among the scholars of hadīth; there is no doubt about their authenticity. And if they would be weak it is rejected no matter how many accept them. So, his claim that these narrations are weak but still accepted by the scholars is false, and his attempt to apply the same reasoning to the hadīth of Muʿādh is also baseless. Such a method holds no valid meaning.

Al-Zarkashī also argued the possibility of taṣḥīḥ (declaring a narration authentic) for the narration of Muʻādh based on the method of the muḥadithīn due to shawāhid (supporting narrations). He claimed that the narration carries a similar meaning to the narration where the Prophet said, "If a judge strives [to get the correct conclusion] and gets it right, then he receives two rewards." Previous discussion focused solely on the weakness in the chain of narration of the Muʻādh.

It cannot be concluded from the narration mentioned by Al-Zarkashī that the reason a judge arrives at a right or wrong conclusion is solely because of  $qiy\bar{a}s$ , nor that the term  $ijtih\bar{a}d$  itself refers specifically to  $qiy\bar{a}s$ . Their claim that the narration of Muʻādh indicates  $qiy\bar{a}s$  is false. They also argue that it is similar to the narration of the Prophet about using "Raʻī' which is also defined as " $ijtih\bar{a}d$ ." These are mere false claims, but even if this were the case, they lack evidence for using it to indicate their method. Raʻī is applying the most suitable ruling for a certain situation, none of this has any direct connection to  $qiy\bar{a}s$ . As it has no relation to  $qiy\bar{a}s$ , it also has no connection to the narration of  $ijtih\bar{a}d$ . These  $shaw\bar{a}hid$  are then no evidence for them for the narration of Muʻādh. We will soon by the will of Allāh clarify further in detail how the meaning of this narration also does not align with the method of those

<sup>&</sup>lt;sup>58</sup> I'lām al-Mawqi'īn 1/155



who deduce qiyas from it, which invalidates also the false claim of Al-Zarkashī.

What is additionally perplexing is Ibn al-Qayyim's view, as he stated, "How [could it be weak] when Shu'bah, who is the leading figure in the narration of Mu'ādh, and some scholars of hadīth have remarked, 'If you see Shu'bah in the chain of narration, then hold on to it tightly."59 Ibn Al-Oayvim further claimed, "Whoever places Shu'bah between him and Allāh has obtained certainty in evidence for his religion."60

This speech is meaningless, devoid of any certain decisive evidence, nothing but an adornment that includes falsehood, and implies that anyone who narrates after Shu'bah, regardless of their weakness, is overlooked, indicating not a single restriction. Even if a disbeliever were in the chain of narration, it must still be considered authentic according to this claim. Such a claim is unknown and not accepted by ahl ul-hadīth. What is known, however, is that Shu bah stated he only narrates a hadīth from a thiqah. This did happen in the narration of Mu'ādh as he narrated it from Abū 'Awn, who is a thigah, and nothing more can be concluded from it. The numerous unknown narrators who preceded Abū 'Awn in the chain of narration is weak. Merely having some reliable narrators in the chain does not inherently make a narration authentic; there are numerous possibilities for weaknesses. Ibn Al-Qayyims exaggerated stance on this matter is a serious issue. He failed to understand that the only point is that Shu'bah only narrates from reliable narrators, but it doesn't imply the narration is preserved if the worst of people are in the chain. As mentioned before, dozens from the scholars of hadīth have consistently weakened this narration for which there is certain evidence, and Ibn Al-Mulaggin narrated *ijmā* from *ahl ul-nagl* on its weakness.

We will now clarify in detail how they have no relation to the meaning of the narration by the will of Allāh. According to this weak narration of Muʿādh, it indicates a certain order he follows to deduce rulings. He first tries to find the answer in the Qur'an; if he finds the answer there, he concludes the ruling. If not, then he continues to search for it in the *sunan* of the Prophet . And if he does not find it there, he uses his own Ra  $\bar{i}$  to deduce the ruling. And this specific order of deducing rulings is unanimously rejected by all scholars of Islām, because a mujtahid must look into both the Qur'an and sunan of the

<sup>&</sup>lt;sup>59</sup> I'lām al-Mawqi'īn 1/155

<sup>60</sup> I'lām al-Mawqi'īn 3/132

Messenger of Allāh stogether. They cannot be used separately to deduce rulings. We clarified this before. And Aḥmad may Allāh be pleased with him said, "Whoever interprets the Qurʿān from the apparent without looking in to the evidences from the *sunan* of the Prophet or the *ṣāḥābah*, brings an interpretation from *ahl ul-bidʾah*, because a verse of the Qurʿān may be general while the *sunan* of the Prophet make clauses that it is for something specific."

Allāh the Most Exalted says, "Allāh instructs you concerning your children [that there is] for a male a share equal to that of two females [for Inheritance]" [4:11]. Whoever derives the ruling solely first from Qurʿān, without using both at the same time must, by virtue of that conclusion, accept the inheritance rights for any of his children, regardless of whether the inheritor is an infidel or a Muslim. And it becomes evident from the *sunan* of the Prophet that only a Muslim is entitled to inherit, not an infidel, and that no inheritance is to be taken from any infidel. Al-Isnawī Al-Shāfiʿī said, "Al-Ghazālī, Al-Āmidī, Ibn Al-Ḥājib (mālikiyyah and shāfiʾiyyah) and others all mention that it is not allowed to stick with the general meanings from both Qurʿān and the *sunan* of the Prophet<sup>62</sup>. So they themselves agree to this, and also ʿAlāʾ Al-Dīn Al-Bukhārī<sup>63</sup>. Their views invalidate everything mentioned in the weak narration of Muʿādh.

According to the *muta'akhirun*, in this weak narration,  $Ra'\bar{\imath}$  means  $qiy\bar{a}s$ . They attribute  $qiy\bar{a}s$  to this narration but, at the same time, they consider the first two methods mentioned in this weak narration of Mu'ādh to be false and agree that it is misguidance. One of the most false approaches is to selectively accept a part of a narration while rejecting another part, especially when the Prophet himself praised all of the ideas of Mu'ādh in the weak narration, and they affirm its authenticity.

One of their greatest a'immah, Al-Juwaynī said, "Mu'ādh Ibn Jabal would alter his approach if he couldn't reach a conclusion using Qur'ān alone, and then he would turn to the sunan of the Prophet. If he still couldn't find the answer, he would resort to using his Ra'ī. It is not permissible to claim that by Ra'ī, he meant deriving rulings from the Qur'ān and the sunan of the Prophet together, because if that would be the case, he would have simply

<sup>&</sup>lt;sup>61</sup> Al-Mūsāwwadah Fī Uṣūl Al-Fiqh pg. 179

<sup>62</sup> Al-Tamhīd Fī Takhrīj Al-Furū' 'Alā Al-Uṣūl pg. 364

<sup>63</sup> Kashf Al-Asrār 'An Usūl Fakhr Al-Islām Al-Bazdawī 3/377

continued relying on the Qur'ān and *sunan* of the Prophet without mentioning a third method alongside them. 64

Al-Juwaynī here also confirms here that  $qiy\bar{a}s$  is independent of Qurʿān and the *sunan* of the Prophet , as we mentioned in the conditions of  $qiy\bar{a}s$ . If any ruling could be derived from the Qurʿān and the *sunan*, Muʿādh would have used them, and only in the absence of Qurʿān and the *sunan* would he resort to  $qiy\bar{a}s$ . So, they view  $qiy\bar{a}s$  as a complete separate and distinct fourth source of evidence apart from the Qurʿān and *sunan* of the Prophet .

A *mujtahid* may reach a conclusion in a ruling based solely on what is apparent, but his certainty in the correctness of the ruling may vary. A judge may give a verdict on a case, being certain of the ruling, but the evidence relied upon testimonies, and as the case unfolds, it might be discovered that the judgment did not align with the actual facts of the matter. Some people have claimed that this is termed as ra'i, they mention the narration that the Prophet said, "I decide between you on the basis of my Ra'ī in cases about which no revelation has been sent down to me." This narration is weak. This has been narrated from a total of five *turuq* and all of them are through Usāmah Ibn Zayd Al-Laythī and he is weak, there is not a single other *tarīq* with this wording. Every single thing ordered by Allāh and his Messenger is clear and free of doubt, a judge making judgments based from witnesses is also a clear order, doing exactly as the Messenger of Allāh ordered, all of this is free of doubt, no matter what the outcome may be.

And all of those who use the narration the weak narration of Muʿādh also agree that  $ijm\bar{a}$ ' is a third source of evidence after Qurʿān and *sunnah* and there is no  $ijm\bar{a}$ ' for what Muʿādh was praised for in the narration.

The narration of Muʿādh concludes as evidently false and fabricated. It is impossible for Allāh, the Almighty, to say, "Today I have completed for you your religion" [5:3], or to say, "We have neglected nothing in the Book" [6:38], or to say, "A clarification for everything" [16:89]. It is impossible for the Messenger of Allāh to then state, "There has been revealed about the religion that which is not in the Qurʿān and *sunnah*." And it is clearly impossible for Allāh to address the Prophet directly, saying, "And We have also sent down unto you the *dhikr* (*sunnah*) that you may explain clearly to

<sup>64</sup> Al-Burhān 2/17

<sup>65</sup> Sunan Abī Dāwūd 3585

<sup>66</sup> Al-Musnad Al-Musannaf Al-Mu'allal 394, 1/556 | 19318, 40/399

men what is sent down to them" [16:44], while the Messenger of Allāh contradicts this by stating, "There has occurred in the religion that which is not made clear to the Messenger and there has occurred in the religion that which the Messenger has not made clear." It is impossible that the Messenger of Allāh says, "Then the people will take ignorant ones as their authority, who will give verdicts without knowledge, they will be misguided and will misguide astray." But that he then suggests the permissibility of passing judgments in the religion based on Ra  $\bar{\imath}$ . All of these claims amount to blatant falsehood.

There where those among the tābi in who narrated about the sahābah deceit and evident falsehood, exemplified by individuals like Al-Ḥārith Al-A'war and others who were accused of lying. So it is prohibited to accept a narration from an unknown person whose identity or condition is not known. Regarding the tawātur claim, anyone can potentially make such a claim for every single  $h\bar{a}dith$ . If one were to mention the narration transmitted through the route of Ibn Al-Mubārak wherein the Messenger of Allāh stated, "The most disastrous group from my ummah are those who use qiyās with their  $Ra'\bar{\iota}$ , making the halāl harām and the harām halāl," claiming it as transmission from the whole community (nagl ul-kawāf), would there be any difference in this claim and theirs? Nevertheless, those who lack restraint will say whatever they please. However, it is certain that transmission from the whole community (nagl ul-kawāf) entails tawātur, which necessitates essential knowledge. Allāh commands, "If you differ in anything amongst yourselves, refer it to Allāh and His Messenger, if you believe in Allāh and in the Last Day" [4:59]. It is clear that any disagreement must be referred only to Allāh, meaning the Qur'ān, and to the Messenger, meaning the words of the Messenger of Allāh, without any mention of returning any issue to qiyās. So, it is established that every difference of opinion must referred only to the Qur'ān and the words of the Messenger of Allāh. *Qiyās* is neither the Qur'ān nor the words of the Messenger of Allāh and must then not be sought in any matter.

There is not a single indication of  $qiy\bar{a}s$  in the narration of Muʿādh, neither in wording nor in any indication toward it. Ra  $\bar{i}$  means giving the most suitable, safest, and most cautious ruling, whereas  $qiy\bar{a}s$  is ruling on an issue not covered by the Qurʿān and sunnah, based on a similarity between it and

<sup>67</sup> Sahīh Muslim 2673



another issue covered by the Qur'ān and *sunnah*, regardless of whether it is the best, most cautious, or safest approach.

The same applies to the narration where the Prophet said, "If a judge does *iitihād* and he is mistaken then he gets one reward, and if he does *iitihād* and is correct then he gets two rewards." There is no indication of *qivās* in this narration; it merely permits *ijtihād*, which is not *qiyās* or *Ra'ī*. *ijtihād* is nothing other than exerting effort to seek a ruling from the Our an and sunnah. Whoever seeks guidance from the Our an and sunnah in an issue has performed ijtihād, and if their effort is in accordance with the Qur'an and sunnah, they receive two rewards: one for seeking the truth and one for being correct. If their conclusion is incorrect, they still receive one reward and that is only for their intention to seek the truth, not for their false view. It is undeniable that some individuals are granted insight by Allāh while others are not, such as Jābir and Sa'd misunderstanding the verse about kalālah, 'Umar not comprehending it, and 'Uthman holding a view regarding the permissibility of marrying two sisters who are slaves. It is however impossible for a ruling to be obscure to every single Muslim. There is no power or strength except by Allah. The Most High, the Most Great.

# Section: The Narration Regarding Making Up The Same Prayer Twice Being Likened To *Ribā*

It is narrated on the authority of 'Imrān Ibn Al-Ḥusain, "We traveled with the Messenger of Allāh . When it was late we fell in a deep sleep, till the heat of the sun woke us up. The first man to wake up was hurrying, but the Prophet ordered the people to be calm. We then moved away from the place we slept in, when the sun rised we performed  $wud\bar{u}$ .' The Prophet then ordered Bilal to call the  $adh\bar{a}n$ . We then prayed two rak ahs before fajr, then the  $iq\bar{a}mah$  was called and we prayed. They said, 'O Mesenger of Allāh, do we not repeat the prayers in their times?' The Prophet said, 'Does your Lord prohibit you from  $rib\bar{a}$ , but at the same time accept it from you?" (meaning: making up prayers is once, not twice as repeating it twice would then be like  $rib\bar{a}$ ).

They say, "The Prophet  $\cong$  used  $qiy\bar{a}s$  by likening the act of performing makeup prayers multiple times to the principle of  $rib\bar{a}$ ."

We contend that this claim is false for multiple reasons. Firstly, Al-Ḥasan Al-Baṣrī narrates this from 'Imrān Ibn Al-Ḥusain, there exists a disparity of views regarding whether Al-Ḥasan Al-Baṣrī ever heard from 'Imrān Ibn Al-Ḥusain. Some claim that he did not, while others claim the opposite. And the final statements concerning *ribā* within this narration have only been narrated through weak *asānid*, thereby declaring only the remaining words of the narration authentic, thereby invalidating every single claim made with this narration.

Jābir Ibn 'Abdullah said, "The Prophet "was in debt to me and bestowed an additional sum when settling it." This bears without doubt a closer resemblance to  $rib\bar{a}$  than the instance of exceeding the number of makeup prayers. It is well-established from the Prophet that engaging in sexual intercourse during daylight hours of  $ramad\bar{a}n$  necessitates fasting for fifty-

<sup>&</sup>lt;sup>68</sup> Musnad Ahmad 19963

<sup>69</sup> Sunan Abī Dāwūd 3347

eight, fifty-nine, or sixty days to atone for that single day. If their understanding of  $qiy\bar{a}s$  were to hold true based on the initial narration from the Prophet  $\stackrel{\text{\tiny{de}}}{=}$ , then all of these cases would be the exact same  $rib\bar{a}$  as the initial narration.

Al-Mālikiyyah and al-shāfi'iyyah also contest what is mentioned in this narration, rejecting adhān for missed prayers, and they also dismiss performing the two voluntary rak'ahs before the subh prayer (obligatory fajr prayer) when a prayer is omitted. Using a narration as evidence while concurrently rejecting other aspects of that same narration is among the gravest errors. The methodology derived from this narration contradicts numerous other narrations.

The accurate understanding of this narration is that it invalidates the method of  $qiy\bar{a}s$ , as everyone in it aimed to perform two prayers instead of just one, even though Allāh has prohibited transgressing the established limits and adding regulations that Allāh did not mandate. The word  $rib\bar{a}$  in Arabic means an increment or addition. If it would be authentic, then the Prophet in the narration clearly prohibited nothing other than any form of increase or addition that goes beyond what is prescribed. It is universally acknowledged that  $qiy\bar{a}s$  entails augmentation and the introduction of additional rulings. When Allāh prohibited only the six types of  $rib\bar{a}$ , they augmented that list by including other foods and measures through  $rib\bar{a}$ . These augmentations are itself  $rib\bar{a}$ , which Allāh prohibited. So, if the final statements of this narration were proven authentic, it would indeed negate the use of  $qiy\bar{a}s$ .

There is absolutely no room for the application of  $qiy\bar{a}s$  within this narration, and there exists no connection whatsoever between it and any aspect of  $qiy\bar{a}s$ . The term  $rib\bar{a}$  comprehensively encompasses all forms of increase or augmentation in the religion, and in this specific narration, it is about an increase in acts of worship. The prohibition of  $rib\bar{a}$  extends generally to everything that is established to be from texts and anything that transgresses the texts is false.

Even if there were to exist any instance of *qiyās* within Qurʿān or *sunan*, which is in reality not possible as it goes against the conditions of *qiyās* and which in reality does not exist in anything from Qurʿān and *sunnah*, there would be no evidence for them if such a *qiyās* would be mentioned, because it is then something Allāh and His Messenger have ruled. As for what they say from that which Allāh and His Messenger did not say, it is false and not allowed to say. Such a case would never imply that a single ruling can elevate

qiyās to a fourth source within the religion. The addition of matters beyond what Allāh and His Messenger ordained is false and not permissible within the realm of religious discourse. Allāh has established obligations and prohibitions within His book and through the words of His Messenger. He hasn't granted permission to anyone to impose, mandate, or allow anything that Allāh or his Messenger have not explicitly commanded, prohibited, or allowed. Anyone who attempts such action transgresses the boundaries defined by Allāh.

If they say, "If all knowledge would be clear then the scholar and the ignorant would be the exact same and if al knowledge would be unclear then the scholar and the ignorant would be the same. So it is established that some is clear and some is unclear and we must use  $qiy\bar{a}s$  on what is unclear by returning to what is clear."

This is false because if some would be clear and some would be unclear then the ignorant and the scholar would be the same in that which is unclear and clear. As for us every single knowledge is clear from the religion, Allāh the Most Exalted says, "We have neglected nothing in the Book" [6:38], And He says, "A clarification for everything" [16:89]. So the Messenger of Allāh has clarified everything of the revelation to the humankind. Whoever says otherwise is a  $k\bar{a}fir$  according to  $ijm\bar{a}$  of the ummah. As it is established that the Messenger of Allāh clarified everything, then every single thing is clear and all praise is for Allāh. The only thing way something can be unclear to someone is by him opposing the clarification or abandoning looking into it, and persisting into false methods which is not a method for understanding the sharī'ah. Or other reasons, such as negligence or illness that impedes understanding. If anything in the religion were unclear, then the ignorant would never comprehend anything, which implies what they claim as unclear. Since it is established that the scholar can provide evidence on matters that seem 'unclear' to the ignorant and clarify them, it is established that all knowledge in the religion is clear. And All praise is due to Allāh, there is no power or strength except by Allah. The Most High, the Most Great.

#### Section: The Narration Regarding Diseases

It is narrated on the authority of Abū Huraira, "The Messenger of Allāh said, '[There exists] no contagious diseases conveyed to others without Allāh's permission; nor any evil omen in the month of Safar; nor [any Hamah.' A bedouin said, 'O Messenger of Allāh. What about the camels in the desert that look like deers, but when a mangy camel mixes with them they all get infected with mange?' The Prophet sanswered, 'Then who conveyed the mange disease to the first camel with mange?'"

No instance of  $qiy\bar{a}s$  is evident from this narration. It solely reflects the people's belief that disease has an inherent ability to spread by itself. The Prophet invalidated this claim by informing us that it is Allāh who allows its transmission, and nothing takes place without His consent. And All praise is due to Allāh, there is no power or strength except by Allāh. The Most High, the Most Great.

<sup>&</sup>lt;sup>70</sup> Sahīh Al-Bukhārī 5770

## Section: The Narration Regarding The Cessation Of Knowledge

It is narrated on the authority of Ṣafwān Ibn 'Assāl, "The Messenger of Allāh encouraged seeking knowledge before it goes away. A man asked him, 'How could it go away, while we learned and taught it to our children?' The Prophet got angry and said, 'Was the *tawrāh* and the *injīl* not in the hands of *ahl ul-kitāb*, did that have any value for them?"<sup>71</sup>

We maintain that this narration stands as one of the most compelling arguments against their position, as they draw  $qiy\bar{a}s$  from it. In this narration, The Prophet explicitly stated that anyone forsaking the Qur'ān and neglecting to act upon it is has forsaken knowledge and treads the path of the Jews and Christians. The advocates of  $qiy\bar{a}s$  align with this pattern, for they forsake the Qur'ān and sunnah in favor of  $qiy\bar{a}s$ , we seek refuge in Allāh from deserting.

Then it is said to them: You hang on to the similarity made by the Prophet here about the acts of those who are prevented from success from his *ummah* in that to the act of the Christians and Jews of abandoning their book. We concede the aptness of this comparison made by the Prophet . We only reject ruling the Muslims who do that with the same ruling who it is similar to from the Jews and Christians. As for *ahl ul-qiyās* their method implies that if anyone that does not seek knowledge before it goes away the same as the Jews and Christians in fighting, enslavement, *jizyah*. If they apply their method as it is necessary, they have joined the *sufriyyah* and *azāriqah*. The cycle returns to them, as they themselves abandon the judgments of the Qur'ān in favor of *qiyās*. Should they reject the necessity of this obligation upon themselves, they inherently contradict their own standpoint. Even in the hypothetical scenario where Qur'ān and the *sunan* contained elements of

<sup>&</sup>lt;sup>71</sup> Al-Muʻjam Al-Kabīr 7398, 8/70



aivās that they currently lack, it would still not amount to evidence supporting their position.

This narration would only indicate towards qiyās if the Messenger of Allāh had made that ruling for the Muslims for the mere reason the book was in the hands of the Christians and Jews and that it was not of any value for them. It is known by certainty that the Messenger of Allah did not inform us that he made that ruling for the reason the books did have no value to the Christians and the Jews while it was in their hands. This is something only shown to us for  $ta'k\bar{\iota}d$ . And also if that would be the reason then what we mentioned from the applying the rulings that are made for the Jews and Christians such as fighting, enslavement and *jizyah* becomes necessary. As for us, we believe and affirm the similarity made by the Prophet as a ta'kīd without falsely using it to create new rulings. And All praise is due to Allāh, there is no power or strength except by Allāh. The Most High, the Most Great.



## Section: The Narration Regarding Milking An animal Without The Permission Of Its Owner

It is narrated on the authority of Ibn 'Umar, "The Prophet said, 'An animal must not be milked without the permission of its owner. Would any of you like it if someone would come to his store, break his container and take away his food? The udders of the animals are the stores of their owners where their provision is kept, so nobody should milk the animals of anyone else, without the permission of its owner."

This narration is barely mentioned among any of the  $u \bar{s} \bar{u} l i y \bar{l} n$  concerning the topic of  $q i y \bar{a} s$ , from them Al-Nawawī said, "This narration affirms  $q i y \bar{a} s$  and a similarity between issues. The Prophet used  $q i y \bar{a} s$  from the udders of the animals to the stores where provision is kept and others. And he made milk which is in the udders similar to food which is kept as provision, with the meaning that it is not allowed to take from it without permission."

This narration does not indicate any  $qiy\bar{a}s$ , because the Prophet in this narration first prohibited milking without the permission of the owner, then he asked us if we would like if someone would come to our store and break our containers and take away our food. This is the Prophet directly including an issue to a general ruling. Because it is not allowed to take property from a Muslim except with his permission in general. Then the Prophet told us that the udders of the animals are the stores of their owners where their provision is kept and that nobody must take milk of others without the permission. This is still nothing other than the Prophet placing the issue within the general order of not taking property from Muslims in general. The Prophet asking such questions enables us to understand it easier that this issue is indeed part of a general order, it is only as a  $ta'k\bar{t}d$ .

<sup>&</sup>lt;sup>72</sup> Şaḥīḥ Muslim 2303

<sup>&</sup>lt;sup>73</sup> Sharḥ Al-Nawawī ʿAlā Muslim 12/32

There is no ruling that is moved from one situation to another, both situations the Prophet mentioned: milking without permission and breaking containers and they are both from the same category of taking without right. And as that is the case the example the Prophet # presented is only a ta  $\bar{k}\bar{l}d$ . Milking did not become prohibited because of the reason mentioned, this is very evident, and all praise is for Allāh.

This narration would only be qiyās if the general order not to take property from Muslims without permission would not exist, and if the Prophet would declare ruling an issue for which no revelation was revealed with the same ruling of an issue for which revelation was revealed and this is something against *ijmā* of the *ummah*. And all of them agree that if an issue is already covered by a general ruling that qiyās cannot be used as I mentioned in the conditions of *qivās*.

The comparisons put forth by the Messenger of Allāh # stand as exemplars of comparisons. We duly acknowledge the absolute accuracy of it and appropriateness of this comparison, which a Muslim cannot oppose. The Messenger of Allāh said, "A believer who recites the Qur'ān and acts upon it is like a citron whose fragrance is sweet and whose taste is sweet, a believer who does not recite the Qur'an is like a date which has no fragrance but has a sweet state, a hypocrite who does not recite the Our an is like the colocynth which has no fragrance and has a bitter taste, and the hypocrite who recites the Qur'ān is like basil whose fragrance is sweet but whose taste is bitter."<sup>74</sup>

It is universally understood that no underlying 'ilal exists connecting a citron or a date to a believer. These examples, even without any shared 'ilal or resemblance, remain among the best of examples. Anything spoken by the Prophet is from direct revelation (wahī), which inherently cannot be attributed to qiyās, as consensus holds that qiyās stands independently from Qur'ān and sunnah. Our objection lies solely in assigning an equal ruling to a matter based solely on a reason presented in a comparison of two. In this narration, the Prophet did not prohibit the act of stealing milk from cows owned by others due to any specific reason other than theft, which is already prohibited in general between Muslims. Here, the Prophet sonly clarified that milking someone else's cow without permission is theft. Their misunderstanding lay in not recognizing that this act falls under the general prohibition of theft. So, the Prophets intent was to clarify that milking

<sup>&</sup>lt;sup>74</sup> Sahīh Al-Bukhārī 5059

another person's cow without permission is indeed theft and falls under the general prohibition of stealing, as the Prophet said, "Your blood and property are for each other prohibited." If this would ever be *qiyās* then milking without the permission of the owner which is stealing would only be prohibited because of the reason we do not like it if someone would come to our store and break the containers and take away our food, and because of that it would mean that this reason would be obligatory to be used to prohibit, and oblige other matters, which none of them affirm as the reason for this ruling and also do not use it for other issues. It is known with certainty that this is not the reason made for the ruling and that the Prophet made us understand that milking without the permission of the owner falls under stealing in general.

<sup>&</sup>lt;sup>75</sup> Sahīh Al-Bukhārī 105

## Section: The Narration Regarding The Prayer Taking Away Sins Like Water Takes Away Dirt

It is narrated on the authority of 'Uthmān, "The Messenger of Allāh said, 'Do you think that if there was a river in the courtyard of anyone of you, and he bathed in it five times each day, would there be any dirt left on him?' They said, '[There would be] nothing on him.' The Prophet said, 'Prayer takes away sins like water takes away dirt."

The Prophet said in another narration, "The prayer is like a deep river of sweet water running by your door into which you plunge five times a day. How much of your dirtiness do you think that will leave? You do not realize what his prayer has brought him."

This narration is not mentioned by anyone from the  $u\bar{s}uliy\bar{l}n$  in discussions surrounding  $qiy\bar{a}s$ . But we will still mention it for more clarification. In this narration, the Prophet presents only an example, and his examples, are from revelation, the most impeccable and accurate. The prophet drew these parallels, which ensures similarity, but with a distinction: while sins are forgiven through prayer, it's not for the same reason water removes dirt. Instead, prayers literally cleanse sins, much like bathing cleanses dirt.

What we mentioned earlier applies for these narrations as well and also for every single other example presented by Allāh and his Messenger. These narrations affirm nothing from  $qiy\bar{a}s$ , as the fact that things resemble each other is not something that we reject.

We ask whoever uses this as a *hujjah*: Do prayers clean sins because of the reason water takes away dirt or not?

If he says 'Yes' he has become stubborn and said the impossible.

<sup>&</sup>lt;sup>76</sup> Sunan Ibn Mājah 1397

<sup>&</sup>lt;sup>77</sup> Muwatta Mālik Riwāyah Yahyā 91

If he says 'No' he has separated these two situations separate from each other and by that nullified  $qiy\bar{a}s$  here as they must be associated with each other for a 'valid'  $qiy\bar{a}s$ .

And also there is very clearly nothing in this narration except  $taqr\bar{t}b$  of a  $s\bar{u}rah$  and nothing other than that, anyone who claims otherwise is a corrupt deceiver which he is aware of.

And also there is no ruling being moved at all in any of this narration while  $qiy\bar{a}s$  is nothing other than moving rulings because of its existence in the other.

These narrations earlier invalidate *qiyās* because the Messenger of Allāh did not because of that similarity make them the same in ruling, which is the definition of *qiyās*. What we reject is making rulings because of the reason of a similarity. The Messenger of Allāh did not say that prayer takes away sins because of the reason there is no dirt left on someone if he bathes five times a day. This narration only clearly shows us that there is a similarity between prayer taking away sins and bathing five times a day from a certain aspect, this is something no Muslim can reject. And All praise is due to Allāh, there is no power or strength except by Allāh. The Most High, the Most Great.



## The Narration Regarding The Reward Of Permissible Intercourse

It is narrated on the authority of Abū Dharr said, "Some people said to the Messenger of Allāh, 'The rich have taken away all the rewards. They observe prayers as we do and give ṣadaqah out of their surplus wealth. Upon this the Prophet said, 'Has Allāh not prescribed for you a way, by which you can also give ṣadaqah?' In every tasbīḥ, takbīr, taḥmīd, tawhīd is a ṣadaqah, and in enjoining of good is a ṣadaqah, and in forbidding evil is a ṣadaqah, and in buḍ' (sexual intercourse) with the spouse, there is a ṣadaqah.' They said, 'O Messenger of Allāh, is there reward for him who satisfies his sexual need among us?' The Prophet said, 'Tell me, if he were to satisfy it with something forbidden, would it not be a sin on his part? Similarly, if he were to satisfy it with what is permissible, he would be rewarded."'78

They say, "There is evidence in this narration for the validity of *qiyās al-'aks*. The Prophet established a contrasting ruling for the permissible act of the *far'*—in this case, referring to lawful intercourse—opposite to the *aṣl*, associated with forbidden intercourse. This distinction arises due to the presence of a conflicting *'illah* within the *ḥukm* which is prohibition of the *aṣl* (forbidden intercourse). The Prophet acknowledged the *far'* with rewards, recognizing its status as permissible intercourse, while concurrently emphasizing the *aṣl* as transgressing due to its prohibition."

By Allāh, there is nothing in this narration except that there is a similarity between prohibited intercourse and permissible intercourse in the fact that they are two opposites as permissible intercourse is rewardful and prohibited intercourse incurs sin. There is nothing in this narration except this mere similarity, and none of this implies any  $qiy\bar{a}s$ , this is something as evident as the difference between day and night. The Prophet did not declare ever that permissible intercourse had no ruling of it being rewardful, had no revelation

<sup>&</sup>lt;sup>78</sup> Sahīh Muslim 1006



that it was not rewardful and then only ruled it rewardful because of the reason that it seems the opposite of prohibited intercourse. Whoever says anything like that is either a blatant liar or extremely ignorant and is not allowed to say anything about the religion of Allāh. What I said here is sufficient, but I will go further even further by the will of Allāh.

The adherents of *qiyās* have differed on *qiyās al-'aks*, Al-Bāqillānī, Ibn 'Abdān, Abū Ḥāmid Al-Ghazālī<sup>79</sup> and others prohibited and oppose those who believe in it. The majority of them however affirm it.

Qiyās al-'aks is affirming the opposite ruling for the far' from the aşl because of the existence of an opposite 'illah between the far' and asl, instead of a similarity in the 'illah with qiyas. Qiyas al-'aks is also a false method just as *qiyās* is. The Prophet did not tell us that opposition in 'ilal imply opposite rulings, anyone that affirms this has lied against the Prophet #, he only told us that in this case the one that satisfies it with something forbidden sins and that the one that satisfies it with what is permissible is rewarded. None of these two rulings are a far', because they concur as clarified in the chapter of the conditions of  $qiy\bar{a}s$  that a far is something that is not covered already by Qur'ān and sunnah. There is no doubt that the rewards for satisfying sexual need with what is permissible does not originate from this narration. It was something the Prophet did without any doubt before this narration and all of his actions are  $mand\bar{u}b$  (recommended). If  $qiy\bar{a}s$  is done from an asl to another asl it is false without any doubt and in reality not qiyās as we said earlier that it is from their own conditions that it must be from an asl to a far'. Even if the Prophet # made satisfying sexual needs with what is permissible recommended because of the reason prohibited intercourse is prohibited, we do not reject that Allāh and his Messenger can make reasons for rulings, this instead occurs often, and we affirm the reason made only for that ruling without exceeding that place. What we only reject is using that reason for other issues or falsely claiming qiyās al-'aks, while qiyās in general is not possible with this narration as clarified.

It is in reality impossible for any narration of these narrations to be  $qiy\bar{a}s$ , because there is no difference of opinion that merely a reason made for a ruling never implies  $qiy\bar{a}s$ , and that it is only  $qiy\bar{a}s$  when a ruling of the asl is moved to the ruling of the far, because of a similar reason between them. It

 $<sup>^{79}</sup>$  Al-Taḥ<br/>bīr Sharḥ Al-Taḥrīr 7/3128, 7/3512 | Al-Mūsāwwadah Fī Uṣūl Ul-Fiqh pg. 425



is known with certainty that a sole reason mentioned does not mean that the ruling that the reason was because of a far, this is falsehood. In order to affirm  $qiy\bar{a}s$ , there must be one issue that has a ruling from texts, and another than has no texts and an 'illah similar between them.

Anyone that believes in *qiyās al-'aks* has abandoned *qiyās*, because all of them say, "The ruling of an issue is that which is similar to it," and here they say, "The ruling of an issue is that which is opposite to it." It cannot get any more contradictory than this.

*Qiyās al-'aks* is from the false methods, Allāh says, "Thus Allāh judges; nothing can reverse (adjust) His judgment" [13:41]. And 'Alī May Allāh be pleased with him indicated the falsehood of *qiyās al-'aks*, when he said, "If the religion would be based on  $Ra'\bar{i}$ , it would be more important to wipe the under part of the shoe than the upper, but I have seen the Messenger of Allāh wipe over the upper part of his shoes."80 He also indicated here the falsehood of ta 'līl, any qiyās and Ra 'ī. There is no doubt that qiyās al- 'aks is taking the opposite, which is some adjustment, any adjustment to any rulings of Allāh is without any doubt false. There is also no doubt that there is no matching 'ilal in the narration which goes against the conditions of qivās, what the adherents of qiyās however affirm, concluded from this narration is *qivās al-'aks*, as mentioned before. There is no disagreement among anyone that everything uttered by the Prophet is inherently the truth, and any claim made by others devoid of direct evidence from Allāh and His Messenger # is clearly false. The Prophet mever guided the formulation of rulings based on divergent reasons associated with the 'illah of their respective rulings. Such claims are all false.

Their method does not only entail that an 'illah ceases in cases with two opposites, if the ruling tied to it also ceases, which would not be far from the truth. Their method regarding this is instead that when there are two opposite 'illahs that both must take the opposite ruling. This is a clear transgression for which there is no evidence, and it is something they cannot remain consistent with. It is possible for rulings to have opposite 'ilal while they are not necessarily the opposite in ruling.

The Prophet in the narration first clarified that engaging in lawful intercourse with one's spouse gets a *şadaqah*. Upon repeated queries, the

<sup>80</sup> Bulūgh Ul-Marām 60

Prophet  $\stackrel{\text{def}}{=}$ , through  $wah\bar{\iota}$ , conveyed an opposing ruling, the benefit from this is clarification and emphasizing. This indicates that the ruling designating recommended marital intimacy is not solely because of the reason that it is the opposite of prohibited intercourse.

They concur that not everything ruled as halal means  $mand\bar{u}b$  or mustahabb. The term halal indicates the opposite of haram, while the actions like giving sadaqah. We ask them: Do you deduce from this narration that intercourse is only permissible or that it is recommended, if they say it is only permissible and not recommended, we say: Do you not see how this claim invalidates the he Prophet # mentioning sadagah in relation to intercourse, leaving much of the narration devoid of meaning? And if they agree it is recommended, then they are indeed correct, which implies them to dismiss qiyās al-'aks entirely, aligning with the view of Al-Qarāfī that the opposite of recommendation is disliking<sup>81</sup> If they say, "But the opposing notion to *ḥarām* isn't solely *halāl*; it includes both *halāl* and the recommended." We say: Indeed, this isn't the case, and this saying aligns with Abū Bakr Ibn Al-'Arabī's stance<sup>82</sup>. We say: If you concur that the opposing notion encompasses not only disliking but also prohibition, then it's impossible to dismiss the existence of multiple 'ilal. Attempting to confine it to a solitary 'illah without additional evidence, which is unavailable, becomes then untenable.

They say, "But the Prophet  $\stackrel{\text{\tiny #}}{=}$  referred to intercourse as  $hal\bar{a}l$  in the narration, and it is the opposite of  $har\bar{a}m$  intercourse." We say: We have already made it evident that the Prophet  $\stackrel{\text{\tiny #}}{=}$  indeed referred to  $hal\bar{a}l$  intercourse as the opposite of  $har\bar{a}m$  intercourse, and this binary contrast is universally known. However, both you and we acknowledge that the opposite of  $hal\bar{a}l$  is not confined solely to  $har\bar{a}m$ ; it also encompasses disliking and recommendation if it's the opposite of  $har\bar{a}m$ . This illustrates the existence of multiple opposites, which contradicts the claim of inferring  $qiy\bar{a}s$  here solely based on one opposite, we clarified before that it is from the conditions of  $qiy\bar{a}s$  that there must not exist other interfering 'ilal.

If  $qiy\bar{a}s$  al-'aks were obligatory and applicable, the Prophet  $\cong$  would have used all these 'ilal for various rulings, a concept that doesn't align with reality. Instead, we understand the matter to be exactly as the Prophet  $\cong$  described it. This aligns with the fact that if the opposite notion to  $hal\bar{a}l$ , which

<sup>81</sup> Tafsīr Ibn 'Arafan 2/636

<sup>82</sup> Ahkām ul-Our'ān 1/598

is  $har\bar{a}m$ , were solely considered, the other 'illah of the opposing notion to  $hal\bar{a}l$ , which is disliking, is omitted. There would be no distinction between selecting either one, as they are indeed direct opposites if  $qiy\bar{a}s$  were ever applicable. Similarly, the opposing notion to recommendation is also disliking and even prohibition, while all at once, the ruling for intercourse with one's wife remains recommended. These contradictions surface from the claim of deducing  $qiy\bar{a}s$  from a single narration. So, this contradicts their entire claim about this narration.

If they say, "But the Prophet stated that the opposite of halāl intercourse is *harām* intercourse, so he selectively chose the prohibited aspect. omitting disliking and others." The answer: Firstly, it is nothing but a lie to attribute that the Prophet # intended to choose that 'illah among the other 'ilal utter. Secondly, we have acknowledged as mentioned before that one of the opposites of halāl intercourse is indeed harām intercourse, a fact universally accepted among Muslims. What we reject here is the idea of affirming a ruling for a matter solely based because of the reason of an opposition in their 'illah, which clearly did not happen in the narration. And even if it were hypothetically true, which it isn't, we've also mentioned that if *qivās al-'aks* were obligatory and applicable, the Prophet # would need to apply all these 'ilal for various rulings, an idea that does not exist. Instead, we understand that the Prophet # responded directly from wahī without ever advocating qiyās al-'aks, without clarifying or even implying it. There can't be any indication for something that the Prophet # never commanded to apply for other rulings. So, whatever the Prophet stated regarding comparisons or opposing rulings remains as it was.

What we intended to indicate is that this narration indicates the falsehood of  $qiy\bar{a}s$  as it invalidates the conditions they themselves set for  $qiy\bar{a}s$ , as clarified earlier. We have clarified that they oppose the pillars of  $qiy\bar{a}s$  by claiming this narration indicates  $qiy\bar{a}s$ . From those pillars, we clarified that it is the 'illah, and they concur that a  $qiy\bar{a}s$  cannot exist without an 'illah. If the 'illah of this issue were to be that it is because of the reason of two opposite rulings, then it is from their own conditions that this 'illah must be muttaridah (consistent), meaning that it must be applicable in every single case possible and it must not contradict with other 'ilal. It is known by necessity that there are dozens of two opposite rulings which have various 'ilal other than this 'illah, this declares the 'illah they claim regarding this issue as false and there can be no  $qiy\bar{a}s$  without an 'illah.

There is no doubt that an 'illah being the reason for two issues being different in rulings is without any doubt the most false 'illah, ever as it has no value, it is not any different from the one that says, "Praying in so-and-so condition is prohibited and a prayer in so-and-so condition is permissible because of the reason they are different in their rulings," or "Pilgrimage in so-and-so manner is prohibited and pilgrimage in so-and-so manner is permissible because of the reason they are the opposite in their ruling," or "Sales are prohibited in so-and-so manner and permissible in so-and-so manner because of the reason they are different in their ruling." Anyone with the least amount of intellect can comprehend that this is the most baseless 'illah ever. We instead know with certainty that the Prophet made a similarity however he willed and the similarities Allāh and His Messenger make, are the greatest similarities, none of it implies any qiyās. And one of the benefits we can clearly observe from it is that it becomes clearer for the listener and serves a ta'kād.

This narration also goes against the conditions they set for an 'illah because they believe something is only the 'illah of the Mu'allal from texts if the following words are used, "min ajli," "li sabab," "li ajli kadha," "li 'illah," "innā," "idhan," "min," "li 'illah," and the letters, "lām," "bā'," "fā'." And none of these are used by the Prophet in the narration.

Many proponents of *qiyās al-'aks* also claim that intercourse only becomes rewarding when performed with the intention of obeying Allāh. This view directly contradicts *qiyās al-'aks*, as if *qiyās al-'aks* were obligatory due to its effect as the opposing notion to prohibition, it would be applicable in this narration as a general sense without necessitating any specific conditions. The reliance on intention as a determining factor declares *qiyās al-'aks* invalid in this issue, since the opposite of what is prohibited is generally permissible without specific conditions. The *'illah* they claim is that it is the opposite, but as they place this condition it implies that they do not believe it is the opposite of prohibited intercourse. Considering that not every *ḥalāl* action is inherently rewarding, it becomes false to claim that it is the direct opposite in this matter.

The narration entails the people inquiring whether intercourse falls under rewarding actions or not, seeking clarification from the Prophet . However, even before their inquiry, the Prophet had already designated it as a rewarding action. His designation was not based on the reasoning that the opposite of the ruling is prohibition. Moreover, it's evident beyond doubt that even before this narration emerged, people were well-aware of the concepts



of prohibited and permissible intercourse without ever concluding that their classification as such solely rested on the 'illah of two opposing rulings.

It is from their claim regarding this narration that permissible intercourse is the far' and that the a s l is forbidden intercourse, this is from the gravest lies, it was widely known prior to the narration that bearing children carries immense rewards, with the process commencing through intercourse, which itself is rewarding. This establishes that the attribution of regardfulness to permissible intercourse isn't solely rooted due to it being antithetical to prohibited intercourse. There is then no ruling of an a s l moved to a s l m

So in this narration in conclusion no *qiyās* took place as no *far*' was moved to an *aṣl* and there was in reality no '*illah* mentioned by the Prophet . The '*illah* they claim about two opposite rulings is false as there are other interfering '*ilal* and the claimed '*illah* is absolutely baseless, it is also not *mutṭaridah*. This narration is instead only a similarity made by the Prophet as he willed, and this similarity made by him in reality invalidates *qiyās* because *qiyās* in reality is making two issues the same in rulings because of a similarity in a certain an aspect. and here the Prophet is clearly making two different rulings. And All praise is due to Allāh, there is no power or strength except by Allāh. The Most High, the Most Great.



#### Section: The Narration Regarding A Man Asking Permission To Fornicate

It is narrated on the authority of Abū Umamah, "A young man came to the Prophet and said, 'O Messenger of Allah! Give me permission to commit zinā (unlawful sex).' The people surrounded him and rebuked him, saying, 'Stop! Stop!' But the Prophet said, 'Come close.' The young man came to him, and he said, 'Sit down.' So he sat down. The Prophet said, 'Would you like it (unlawful sex) for your mother?' He said, 'No, by Allāh, may I be ransomed for you.' The Prophet said, 'Neither do the people like it for their mothers.' The Prophet said, 'Would you like it for your daughter?' He said, "No, by Allāh, may I be ransomed for you." The Prophet # said, 'Neither do the people like it for their daughters.' The Prophet said, 'Would you like it for your sister?' He said, 'No, by Allāh, may I be ransomed for you.' The Prophet said, 'Neither do the people like it for their sisters.' The Prophet said, 'Would you like it for your paternal aunt?' He said, 'No, by Allāh, O Allāh's Messenger! may I be ransomed for you.' The Prophet # said, 'Neither do the people like it for their paternal aunts.' The Prophet said, 'Would you like it for your maternal aunt?' He said, 'No, by Allāh, O Allāh's Messenger! may I be ransomed for you.' The Prophet said, 'Neither do the people like it for their maternal aunts.' Then the Prophet # put his hand on him and said, 'O Allāh, forgive his sin, purify his heart and guard his chastity.' After that the young man never paid attention to anything of that nature."83

This narration is barely mentioned in the books of the  $u\bar{s}u\bar{l}iy\bar{t}n$ , there are very few,<sup>84</sup> unlike the narrations mentioned above. It is very evident that no  $qiy\bar{a}s$  was used here, even according to the adherents of  $qiy\bar{a}s$ . There can be no disagreement that  $zin\bar{a}$  is not prohibited because of the reasons we dislike it for the sister, mother, maternal aunt and paternal aunt, even if it may be the

<sup>83</sup> Musnad Ahmad 22211

<sup>&</sup>lt;sup>84</sup> Fath Al-Bāqī ʿAlā Manzūmah Al-Marāqī 2/77



case. As clarified before it is not possible to use a  $qiy\bar{a}s$  from an  $a\bar{s}l$  to another  $a\bar{s}l$ , and there is no far' here moved back to any  $a\bar{s}l$ , because there is no difference of opinion that  $zin\bar{a}$  with the sister, mother, maternal aunt and paternal aunt is all prohibited even before this incident. None of them in reality believe that  $zin\bar{a}$  is only prohibited because of  $qiy\bar{a}s$ , No one, except those with a defective understanding, believes that  $zin\bar{a}$  is prohibited because of  $qiy\bar{a}s$ . This narration is nothing other than ta ' $k\bar{i}d$  of (emphasizing) the prohibition of  $zin\bar{a}$  and  $taqr\bar{i}b$  al- $s\bar{u}rah$  we clarified this many times before.

This narration is not much different than if someone were to ask, "Are the five daily prayers really obligatory?" and receive the response, "You fast every single day during the days of *ramaḍān*, you pay *zakāh* anually, performed umrah and *Ḥajj*, and ask if the prayer is obligatory?" Such questions in this manner, without becoming the reason to oblige, prohibit or allow have benefits, such as understanding what the reality of the initial question asked and its implications. None of the answer indicates We will further clarify, by the will of Allāh, why even '*ilal* that are mentioned by text cannot be used for *qiyās* in great detail and that it is in reality the method of the majority, and when something is exactly considered an '*illah*, and the difference between benefits derived from obligations and prohibitions, and if an actual '*illah* is established for them. And All praise is due to Allāh, there is no power or strength except by Allāh. The Most High, the Most Great.



## Section: The Narration Regarding Women Being The Counterpart Of Men

It is narrated on the authority of 'Ā'isha, "The Prophet \* was asked about a person who found moisture (on his body or clothes) [after waking up], but did not remember having a sexual dream. The Prophet \* said, 'He must take perform ghusl. Then he was asked about a person who remembered that he had a sexual dream but did not find moisture. The Prophet \* said, 'Ghusl is not necessary for him.' Umm Salamah then asked, 'Is washing necessary for a woman if she sees that (in her dream)?' The Prophet \* said, 'Yes. Woman are counterpart (shaqā'iq) of men.'"85

This narration is declared weak in Al-Musnad Al-Mūsānnaf Al-Muʻallal,  $^{86}$  this narration is not free from 'Abdullah Ibn 'Umar Ibn Ḥafṣ Ibn 'Āṣim Al-'Umari, and he is not a *thiqah*.

Al-Bukhārī said regarding him, "Yaḥyā Ibn Saʿīd declared him weak." Abdullah Ibn Aḥmad Ibn Ḥanbal said, "I asked Yaḥyā Ibn Maʿīn about 'Abdullah Ibn 'Umar Al-'Umari, he said, 'He is weak.' And I also asked by father (Aḥmad), he said so-and-so." 88

Al-Marrūdhī said, "I asked Aḥmad Ibn Ḥanbal about 'Abdullah Ibn Al-'Umari, he was not pleased with him, he said, '*layyin ul-ḥadīth*.'" <sup>89</sup> (these are words indicating *jarḥ*).

Al-Nasāʿī said, "'Abdullah Ibn 'Umar Ibn Ḥafṣ Ibn 'Āṣim Ibn 'Umar Ibn Al-Khatṭāb is weak."  $^{90}$ 

As for the meaning of  $shaq\bar{q}q$  as mentioned in the narration, it means something that is similar to something. This narration is from the greatest

<sup>85</sup> Sunan Abī Dāwūd 236

<sup>&</sup>lt;sup>86</sup> Al-Musnad Al-Musannaf Al-Mu'allal 6747, 36/417

<sup>87</sup> Al-Tārīkh Al-Kabīr 5/145

<sup>88</sup> Al-Du'afā' by Al-'Uqaylī 3/281

<sup>89</sup> Su'ālāt of Al-Marrūdhī 124

<sup>90</sup> Al-Du'afā' Wal-Matrūkīn 325



evidences against them as never was this *sabab* given them being similar itself, made the reason for all existing rulings to be the same for both genders other than the issue mentioned in the narration. This narration would only be *qiyās* if the ruling of men and women in an issue were made the same because of this narration. We do not reject the affirmation of a *sabab* on one issue.

It is obligatory on men to attend the *jumu'ah* and congregational prayers, while both are not obliging for women. Men and women are the same in the rulings of the prayer and obligatory alms. A woman cannot travel for nonobligations except accompanied with the husband or a mahram. A man can travel however he wants without his wife and without his mahram. They are the same regarding fearing zinā. The rulings for clothings for women differ from men, it is not allowed to wear qamīs, 'imāmah, sarāwīl for men during ihrām while it is allowed for women, and they have the same ruling for wearing perfume, that it is prohibited. It is obligatory on men to pray in congregation with an imām at Muzdalifah for the Subh prayer. While it is allowed for women to leave from Muzdalifah before that. They are similar in rulings other than that during the *iḥrām*. *Ighārah* is obligatory on men while it is not for women. The testimony of two women equals that of one man. Our opponents here do not make the rulings for women here in these cases the same for men and do not make the rulings of men the same for women. They do not use qiyās in any of those cases and other cases to make it the same and there no  $ijm\bar{a}$  in any of those cases. The *diyah* of a woman is half of a man. Many of the  $q\bar{a}$  is  $\bar{u}n$  make them equal till a certain, they do this regarding issues of the diyah and then forsake making them the same for other rulings and do not use *qiyās* in those cases. The *hadd* on a woman is the same as that of a man regarding issues like *qadhf*, *khamr*, *zinā*, *qatl* and *qat*'. Some of the  $q\bar{a}$ 'is $\bar{u}n$  make the genders different in ruling of taghr $\bar{i}b$  (expelling from the city) because of zinā between men and women. Some of them also make the hadd of riddah different between men and women. They claim that men must be killed for *riddah* but not women. In these cases they abandon *qiyās* as they do not apply it everywhere. A man may marry four women and get slave girls while a woman cannot marry any man except one and may not get slaves. They do not use *qiyās* here in any of these cases.

These are enough examples from the many where they contradict their method and claim a matter is because of  $qiy\bar{a}s$  while they cannot produce any evidence that it is because of  $qiy\bar{a}s$  and then at the same time abandon their own method when it is related to other issues. A man may marry four women

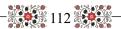


and get slave girls while a woman may not marry except one and may not get slaves. They do not perform  $qiy\bar{a}s$  here in any of these cases. These are enough examples from the many where they contradict their method and claim a matter is because of  $qiy\bar{a}s$  while they cannot produce any evidence that it is because of  $qiy\bar{a}s$  and then at the same time abandon their own method when it is related to other issues. So since we know with certainty women being counterpart of men was not the reason for hundreds of rulings being the same, and instead different, we know that the sabab in this narration mentioned cannot ever be used for any issue other than to affirm it for this narration only. And that it is prohibited to transgress.

Since we find the rulings of men and women to be different very often and to be the same very often, only according to texts, it becomes false without any doubt to claim that they are the same in one case because of  $qiy\bar{a}s$  when there is only mention of one gender. Because they are similar or different is never because of the reason of  $qiy\bar{a}s$  this is the utmost clarity on the falsehood of their method.

Our opponents here admit themselves that this is not  $qiy\bar{a}s$ , because they do not make the rulings of men and women in these issues all the same, and do not apply the rulings of men when they are meant for women. They do not use  $qiy\bar{a}s$  in any of those cases and others to apply it for the other and there is no  $ijm\bar{a}$  in any of those cases. The diyah of a woman is half of a man.

Some of qa'isīn make the genders different in ruling for taghrīb (expelling from the city) for zinā between men and women. Some of them also make the ḥadd of riddah different between men and women. They believe that men must be killed for riddah but not women. In these cases they abandon qiyās as they do not apply it everywhere, especially since it is an 'illah that is manṣūṣah, this is one of the many certain evidences on the falsehood of qiyās, as they claim that rulings must be the same because they seem similar and a group exaggerates in the use of qiyās with an 'illah that is manṣūṣah, while none of them use this 'illah and have abandoned it. This narration affirms our view that an 'illah only is applicable for where it came with, and must not be placed anywhere else. And has not a single trace of evidence for any of their method and in invalidates it from the begin till the end. And All praise is due to Allāh, there is no power or strength except by Allāh.



# The Narrations Regarding The Prophet $\cong$ Consulting The Companions And Making Use Of $Ra \, \bar{\iota}$

We have already clarified this before in the chapters about  $Ra \, \bar{\imath}$ ,  $Istihs\bar{a}n$  and  $Istinb\bar{a}t$  entirely and all praise is for Allāh. Here we will clarify some aspects of it further by the will or Allāh. This topic comprises two issues:  $Ra \, \bar{\imath}$  and the exact subjects which the Prophet  $\cong$  sought consultation from his companions.

As for Ra 7, if they mention the narration where the Prophet said, "Verily, I am only a human and the plaintiffs bring to me their disputes, perhaps some of them are more eloquent than others. I judge according to what I hear from them. So, he whom I, by my judgment, give the undue share out of the right of a Muslim, I in fact give him a portion of Hell Fire." <sup>91</sup>

And if they say, "This indicates that some  $Ra\ \bar{\imath}$  is allowed and according to you,  $Ra\ \bar{\imath}$  is something other than Qur an and sunnah, but  $qiy\bar{a}s$  is also something other than Qur an and sunnah, so this indicates the permissibility of both  $qiy\bar{a}s$  and  $Ra\ \bar{\imath}$ ."

The answer: This narration is not an evidence for anything other than  $Qur'\bar{a}n$  and sunnah, because the Prophet did what he himself ordered; issue judgments based on the apparent from the evidence or an oath. narration is about nothing other than the mere obligation of issuing judgments from the apparent and that we are not burdened to look into the  $b\bar{a}tin$ . Nothing of this indicates permitting what is prohibited and what is prohibiting that which is allowed and obliging that which is not obligatory, in any possible way, no one with a modicum of comprehension can understand otherwise regarding this narration.

And if they mention the narration attributed to the Prophet swhere he decided to grant property to 'Uyayna Ibn Ḥisn and Al-Ḥārith Ibn 'Awf for the

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<sup>91</sup> Sahīh Al-Bukhārī 7169



purpose of reconciliation. When questioned if it was his  $Ra \, \bar{i}$  or a revelation from Allāh, the Prophet  $\cong$  responded, "It is my  $Ra \, \bar{i}$ ."

We say: Every single chain regarding this narration is weak, it is not free from 'Abd Al-Raḥmān Ibn Rāfi', he is *majhūl*. And 'Uqbah Ibn Sinān Al-Dharrā' is weak, he is not a *dābit*.

And also this narration has various wordings, among them is that the Prophet was asked, "Is it something you love to do, or something Allāh ordered?" With this possibility, as all of these narrations are about the exact same incident, exact same time and exact same people, it is obligatory to choose the correct one, and this is only if this narration would ever be authentic.

If they mention the narration where the Prophet sordered the commanders of an army, "When you invade the fortress and its people offer to surrender and want the matter referred to Allāh's ruling, then do not allow this, for you do not know whether or it goes according the ruling of Allāh regarding them. But let them surrender and have the matter referred to your ruling and make a decision about them later on as you wish."

This narration is from the greatest evidences against them, there is clear indication in this narration that the Prophet sordered not to attribute anything to Allāh without certainty, meaning that he does must then do nothing but ijtihād according to his ability from the words of Allāh and His Messenger. This narration invalidates their view that every mujtahid is rewarded even if they are wrong, as the Prophet \(\mathbb{E}\) clearly ordered not to attribute anything one has no certainty of to Allāh. And there is also a clear indication in this, invalidating their view of their prohibition of ijtihād. The Prophet # never ordered them obedience to falsehood in this narration which is very evident, there is only the obligation in this narration to perform ijtihād and the obligation to follow it if there is nothing better than it and that it must not be attributed to Allāh as it is not from the religion. Nothing is more evident than the words of the Prophet . "You do not know whether it goes according the ruling of Allāh or not." There is no doubt that if there would be access to texts of the Prophet ## that nothing would be permissible except for obedience to that alone. The truth is that the Prophet # invalidated in this narration any

<sup>92</sup> Al-Mu'jam Al-Kabīr 5409, 6/28

<sup>93</sup> Sunan Abī Dāwūd 2612



Ra  $\bar{i}$  and  $qiy\bar{a}s$  as he told him that anything anyone says from his own self that it is not from the religion of Allāh and ordered him  $ijtih\bar{a}d$ . The Prophet said also said, "Indeed a lie upon me is not like a lie upon anyone else." <sup>94</sup>

And if they mention the narration attributed to the Prophet  $\stackrel{\text{\tiny{de}}}{=}$ , that he said, "I decide between you on the basis of my Ra  $\bar{\iota}$  in cases about which no revelation has been sent down to me." <sup>95</sup>

This narration is weak and we have clarified the weakness of it before. This has been narrated from a total of five *turuq* and all of them are through Usāmah Ibn Zayd Al-Laythī and he is weak, <sup>96</sup> there is not a single other *tarīq* with this wording.

If they also bring up the narration where the Prophet was with an army and encountered Al-Hubbab Ibn Al-Mundhir, who posed a question to the Prophet, receiving an answer. Al-Hubbab then inquired whether it was a matter of Ra  $\bar{\imath}$  or a revelation from All $\bar{a}$ h, to which the Prophet replied, It is my Ra  $\bar{\imath}$ .

The answer: This narration is false, the intermediate between Ibn Ishāq and the men of  $Ban\bar{u}$  Salamah is unknown. Al-Hākim attempted to connect it, 98 the chains are however filled with  $maj\bar{a}h\bar{\imath}l$ .

Al-Umawī also narrated it, but one of the narrators is Al-Kalbī who is a liar. $^{99}$ 

Ibn Ḥajar attempted<sup>100</sup> to connect it through the route of Ibn Isḥāq —» Yazīd Ibn Rummān —» 'Urwah. This route mentioned by Ibn Ḥajar, does not exist in the books of Ibn Isḥāq, while this route also weak, the narration is *mursal*, 'Urwah never met Ibn Al-Mundhir.<sup>101</sup>

Al-Bayhaq $\bar{1}$  also narrated this from another *mursal* route, <sup>102</sup> which is disconnected not *musnad*.

There does not exist a single other route for this narration, so it is weak and must be abandoned.

<sup>94</sup> Sahīh Muslim 4, 1/10

<sup>95</sup> Sunan Abī Dāwūd 3585

<sup>&</sup>lt;sup>96</sup> Al-Musnad Al-Musannaf Al-Mu'allal 394, 1/556 | 19318, 40/399

<sup>97</sup> Sīrah Ibn Hishām 1/620

<sup>98</sup> Al-Mustadrak 'Alā Al-Sahīhayn 5801, 5802, 3/482

<sup>99</sup> Figh Al-Sīrah by Al-Ghazālī pg, 224

<sup>&</sup>lt;sup>100</sup> Al-Isābah 1/302

<sup>&</sup>lt;sup>101</sup> Magāsid Al-Sharī'ah by Ibn 'Āshūr 3/132

<sup>102</sup> Dalā'il Al-Nubuwwah 3/31



If they mention the narration that the Prophet said to Sa'd, "You have judged according to Allāh's command." 103

The answer: The Prophet has spoken the truth and ahl ul-qiyās have lied. Anything that is from Qur'ān and sunnah is without any doubt the command of Allāh, anyone either says something correct or false, when it is correct it is the command of Allāh, which is from nothing other than the Qur'ān and sunnah and anything that is false is not the command of Allāh. If anyone claims that the Prophet inquired a ruling from Sa'd and that Sa'd became a source of evidence in the religion, he has indeed become a kāfir mushrik murtadd.

If they mention the narration where 'Umar said, "I agreed with my Lord, may He be glorified and exalted, in three matters, or my Lord agreed with me in three matters, I had said, 'O Messenger of Allāh, why don't you take the magārn of Ibrāhīm as a place of prayer? Then Allāh revealed the verse, 'And take you (people) the magarn (place) of Ibrāhīm [or the stone on which Ibrāhīm stood while he was building the *Ka* 'bah as a place of prayer' [2:125]. And I had said, 'Why do you not tell the mothers of the believers to observe *hijāb*, for both righteous people and evildoers enter upon you?' Then the verse of hijāb was revealed. And I heard something about the Mothers of the Believers, so I talked to them and told them, 'You should stop bothering the Messenger of Allāh #, or Allāh will replace you with wives who are better than you and are Muslims.' Then I came to one of the Mothers of the Believers and she said, 'O' Umar, is it the case that the Messenger of Allāh acannot admonish his wives so that you come and admonish them?' So I stopped, then Allāh, may He be glorified and exalted, revealed the verse, 'It may be if he divorced you (all) that his Lord will give him instead of you, wives better than you Muslims, believers, obedient" [66:5]. 104

The answer: This narration is from the greatest evidences against them, because nothing that 'Umar said ever became obliging, and no one acted upon it, except when revelation from Allāh was revealed to His Prophet . And 'Umar also inquired it to the Prophet , and everyone is obliged to seek Qur'ān and sunnah when they do not know. We ask all of them: Do you believe 'Umar ever became the source of those rulings? If they say, "Yes," They apostate, if they say, "No," they have returned to the truth.

<sup>103</sup> Şaḥīḥ Al-Bukhārī 3804

<sup>&</sup>lt;sup>104</sup> Musnad Ahmad 160

We then ask them: In any consulting  $(sh\bar{u}rah)$ , did the Prophet  $\stackrel{\text{see}}{=}$  ever inquire from the  $sah\bar{a}bah$  about the prayer, the regulations governing  $zak\bar{a}h$ , fasting, hajj, what is prohibited to consume, or cases where bloodshed is permissible? If anyone affirms any of it, they have apostated by  $ijm\bar{a}$ . The Prophet  $\stackrel{\text{see}}{=}$  never claimed that the opinions of those participating in  $mush\bar{a}wirah$  (consultation) carried the authority of hujjah (evidence) on their own. On the contrary, Allāh orders us to ultimately refer matters back to Him, even in cases of consultation, as Allāh says, "And consult them in the matter; once you make a decision, put your trust in Allāh" [3:159]. And Allāh also says, "And know that among you is the messenger of Allāh, if he were to [ever] obey you in much of the matter, you would be surely in difficulty" [49:7].

This directly invalidates all of their arguments. Allāh explicitly prohibited any obedience to any false Ra  $\bar{\imath}$  from His  $\bar{\imath}ah\bar{a}bah$  in numerous matters. Instead, all the  $\bar{\imath}ah\bar{a}bah$ , humankind and jinn are duty-bound to obey the Prophet. Mushāwirah is exclusively reserved for issues like ghazw (military expeditions) and organizing armies and all matters that are left permissible to do and to leave. The Prophet never made judgments without divine revelation. If the Prophet himself did not, then how could anyone else? While anyone that believes that the sources for rulings is other than Qur  $\bar{\imath}$  and sunnah alone is an infidel. When the Prophet was asked about matters for which there was no specific revelation, he would respond by saying, "Nothing was revealed to me regarding it except the general verse which is applicable to everything (encompasses the issue because it is general)." 105

This also indicates the validity of resorting to general rulings (' $um\bar{u}m$ ) in the absence of specific or exceptional circumstances in a given ruling.

The Prophet, when questioned about something for which there was no revelation, would simply say, "Leave me as long as I have left you." 106

Allāh the Most exalted also says, "He shares his ruling with none in partners" [18:26]. And He says, "Then We put you, [O Prophet], on an ordained way concerning the matter [of religion]; so follow it and do not follow the inclinations of those who do not know" [45:18]. And He says, "I am obliged to say nothing concerning Allāh except the truth" [7:105]. And He

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<sup>105</sup> Sahīh Al-Bukhārī 4678

<sup>106</sup> Muwatta' Mālik, Riwāyah Muhammad Ibn Al-Hasan 996

says, "I have not said to them anything except what You have ordered me to" [5:117]. And He says, "They said, 'Do we have any say in the matter?' Say, 'Indeed, the matter belongs completely to Allāh'" [3:154]. And He says, "And follow what is revealed to you, and be patient until Allāh will judge. And He is the best of judges" [10:109].

These were all narrations regarding the Prophet \*\*, they further mention the narration regarding about the companions.

They cite the narration where that Qarazah Ibn Kaʿb said, "'Umar sent us to Kūfah, and 'Umar went with us to Sirar (nearby Madīnah), he then said to us, 'Do you know why I came with you (till) here?' We said, 'For the right Allāh made on the companions (for respecting us, as we are companions as well).' 'Umar said, 'That too, but I mainly came with you regarding a talk and for you to remember it. You will enter upon a people with the Qurʿān in their hearts, like the rumbling of a boiling pot, and if they see you they will surrender to you, so lessen yourself in narrating narrations about the Prophet (to them), as long as I am with you." <sup>107</sup>

The answer: Allāh saved 'Umar from ever wanting to lessen narrating narrations. The directive of 'Umar was only out of *iḥtiyāṭ* for these specific people in Kūfah with these specific attributes, as long as they were with 'Umar accompanied, it is very possible that he knew something about the people with these specific attributes, and the harm they would cause. There is no other possibility at all. To assume that 'Umar, who possessed an extensive amount of narrations from the Prophet, would instruct everyone in general to minimize their involvement in *ḥadīth* is an unsubstantiated claim that lacks coherence.

If they mention the narration that 'Ā'isha said, "Do you not feel surprised at Abū Huraira? He came (one day) and sat beside the nook of my apartment and began to narrate (about the Prophet). I was hearing while I was engaged in extolling Allāh (in prayer). He stood up before I finished (my prayer). If I were to meet him I would have warned him in stern words that the Prophet did not talk so quickly as you talk." <sup>176</sup>

This indicates nothing other than that 'Ā' isha was only against the way Abū Hurairah narrated in this specific case, and not in any way against him

<sup>&</sup>lt;sup>107</sup> Ṣaḥīḥ Ibn Mājah 26

<sup>176</sup> Sahīh Muslim 2493



narrating about the Prophet \*, this is very evident from the narration, it is not possible nor allowed to assume otherwise from 'Ā'isha.

And if they mention the narration that Abū Hurairah said, "If I were to narrate you every single thing I know, you would throw trash at me." <sup>108</sup>

This is true because not every single thing someone narrates is the truth, it can be from a liar, unreliable, someone with a weak memory or someone unknown. All of this is without any doubt rejected, this is not understood in any other way.

If they mention the narration which is attributed to Ibn Mas'ūd, that he said, "It is the case that you do not narrate to the people a narration, which their minds cannot grasp except that it becomes a *fitnah* for some of them." <sup>109</sup>

This narration is weak, it is *munqati'*, because the narration of 'Ubaydullah Ibn 'Abdullah Ibn 'Utbah Ibn Mas'ūd from the uncle of his father 'Abdullah Ibn Mas'ūd is *mursalah* and Ḥarmalah Ibn Yaḥyā is weak.<sup>110</sup>

If they mention the narration from Abū Hurairah that he said, "I have memorized two kinds of knowledge from the Prophet ﷺ. I have propagated one of them to you and if I propagated the second, then my pharynx (throat) would be cut (I would be killed)."<sup>111</sup>

This does not indicate at all that the narrations of the Prophet  $\stackrel{\text{\tiny{de}}}{=}$  were hidden, or that  $Ab\bar{u}$  Hurairah kept narrations hidden. This indicates nothing other than the reaction from the people of misguidance about the words of the Prophet  $\stackrel{\text{\tiny{de}}}{=}$ .

And if they mention what is attributed to Abū Hurairah, that he said, "I have just narrated to you narrations, which 'Umar would have hit me for with a stick, if I did it during his time."<sup>112</sup>

And this correct understanding applies for all narrations from the *salaf* regarding narrating only to those who are able to understand.

<sup>&</sup>lt;sup>108</sup> Musnad Ahmad 10972, 10977

<sup>&</sup>lt;sup>109</sup> Muqaddimah Sahīh Muslim 14

<sup>&</sup>lt;sup>110</sup> Da'īf Al-Jāmi' Al-Şaghīr Wa Ziyādātihi 5023

<sup>111</sup> Sahīh Al-Bukhārī 120

<sup>&</sup>lt;sup>112</sup> Jāmi Bayān al-'Ilm Wa Fadlihi 1913



Allāh the Most Exalted said, "And whatsoever the Messenger gives you, take it; and whatsoever he forbids you, abstain." [59:7].

And He said, "The Prophet who can neither read nor write, who believes in Allāh and His Words, and follow him so that you may be guided." [7:158].

And He said, "And verily, you (O Muḥammad) are indeed guiding (mankind and *jinn*) to the Straight Path, the Path of Allāh." [42:52-53].

It is not possible follow his orders and not to transgress it except through narrations about him, so how can anyone assume that 'Umar and others ordered opposing what Allāh ordered.

The Prophet said, "May Allāh beautify a man who hears a saying of mine, so he understands it, remembers it, and conveys it." 113

The Prophet <sup>#</sup> also said, "Take from me (my teaching)! Take from me (my teaching)!"<sup>114</sup>

The Prophet also said, "Convey regarding me (my teachings)!" 115

We have clarified everything with the utmost clarity. Some companions only said what they said out of fear that lies would be attributed to the Prophet  $\stackrel{\text{\tiny{$\%}}}{=}$ , or they would only speak regarding specific people. There is no other option. There is no indication in any of this that the companions made use of  $qiy\bar{a}s$ . We do not reject the fact that they made use of Ra  $\bar{i}$ , with the meaning that they would choose the best option for a situation and  $ihtiy\bar{a}t$ . And we do not validate any of that.

Allāh says, "So do as you are commanded" [2:68].

And Allāh says, "And if they had intended to go forth, they would have prepared for it [some] preparation. But Allāh disliked their being sent, so He kept them back, and they were told: 'Remain [behind] with those who remain'" [9:46].

And Allāh says, "Nay, but (man) has not done what He commanded him" [80:23].

All of this indicates that the  $\bar{a}th\bar{a}r$  of the salaf do not mean qiyās.

It is well known that it is obligatory to carry out the orders of Allāh, this rule is unrestricted, not restricted. And making it necessary to follow the best of means.

<sup>113</sup> Jāmi Al-Tirmidhī 2658

<sup>114</sup> Sahīh Muslim 1690

<sup>115</sup> Sahīh Al-Bukhārī 3461



Allāh says, "Fight in the cause of Allāh against those who fight against you" [2:190]. This verse encompasses the concept of warfare. This encompasses any methods and weaponry used, as well as other aspects of preparing for war. So the matter is as you can see, within the general text.

Another matter just like this one is  $wud\bar{u}$  'the water mentioned in the texts are unrestricted. And the manner in which water is obtained by us and used varies. So it is false to claim that using tap water is solely the result of  $qiy\bar{a}s$ , based on the previous use of vessels and wells.

*Mushāwarah* regarding warfare only involves seeking advice to formulate the most effective strategy for victory, as previously clarified. The matters the Prophet sought consultation in were only matters that are permissible to do and permissible not to do, in such cases it does not matter how it is done, we clarified this in great detail before.

'Umar's *shūrah* was his chosen method to implement certain *aḥkām*. The gathering of the *maṣāḥif* was a means to promote the obedience of Allāh, facilitating teaching, recitation, sharing, and propagation of the Qur'ān. The recording of Qur'ānic recitations in the present day follows the same method. So it is false to claim that all these practices are solely derived from *qiyās*, such as recording the Qur'ānic recitations being based on the reason that the Qur'ān is recited aloud. And All praise is due to Allāh, there is no power or strength except by Allāh.



## Section: Regarding There Being No Prophet After Our Prophet #

They say, "The Prophet said, 'There is no Prophet after me. So according to you there can be a Messenger instead of a Prophet as a Messenger is not mentioned, it is only about a Prophet."

The answer: This is a lie. Because this is among the concise words that have comprehensive meanings which are given to the Prophet . All Messengers are Prophets and not all Prophets are Messengers. If it would be the case that the Prophet would have said, "There is no Messenger after me. It could then be possible for there to be a Prophet after him, if this would be the only narration on the topic." But the Prophet said, "There is no Prophet after me." So there is also no Messenger after him. Because all Messengers are without any doubt Prophets. It is not possible for there to exist any Messenger that is not a Prophet So it is then established that their claims are all false. If it would be true as they claim it to be which we seek refuge in Allāh from, there would still be no evidence in that for *qiyās* in anything from the religion and there being no prophet after the Prophet has not a single relation to prohibit selling figs for wheat except for equal exchange. The Prophet also said, "Indeed Messenger-ship and Prophethood has ended, there will be no Messenger after me, and also no Prophet."

<sup>116</sup> Al-Ahkām Al-Wustā 1/88



#### Section: The Narrations Regarding The Action Of The Jews

It is narrated from Jābir ibn 'Abdillāh that he heard the Messenger of Allāh say in the year of the conquest while he was in Makkah, "Indeed, Allāh and His Messenger have prohibited the sale of alcohol, carrion, swine, and idols." It was then asked, "O Messenger of Allāh, what about the fat of carrion? It is used to coat ships, lubricate skins, and people use it as fuel for lamps." He replied, "No, it is *ḥarām*." Then the Messenger of Allāh said at that moment, "May Allāh fight the Jews! When Allāh forbade them its fat, they melted it down, then sold it and consumed its price."

Ibn 'Abbās said, "'Umar was informed that a certain person had sold alcohol. So he said: 'May Allāh fight so-and-so! Did he not know that the Messenger of Allāh said, 'May Allāh fight the Jews! When fat was forbidden for them, they melted it down and sold it.""<sup>118</sup>

Some people have argued tumultuously using this narration to validate  $qiy\bar{a}s$ , and there is not a single trace of  $qiy\bar{a}s$  in it. There is instead in it that orders are general, because the Prophet prohibited fat for the Jews, then they permitted its sale, and the Prophet rejected that severely as they specified the prohibition and did not take it as general. So it is established that whenever something is prohibited, then it is prohibited to own it, sell it, use it, and eat it upon generality, except if a nass comes specifying something from it.

There are two other issues related to these narrations, the first is the prohibition of fat made against the Jews and that they were still blamed when they avoided fat. And the second one is that 'Umar used as evidence for the prohibition of the sale of *khamr* the prohibition of the sale of fat for the Jews.

<sup>&</sup>lt;sup>117</sup> Sahīh Muslim 1581, 71, 5/41

<sup>&</sup>lt;sup>118</sup> Sahīh al-Bukhārī 2223, 3/82



So they say, "The Jews were prohibited fat and the prohibition of fat implied them to avoid melting it and selling it so they were implied to use  $qiy\bar{a}s$  and also 'Umar used  $qiy\bar{a}s$  from the prohibition of selling fat to the prohibition of selling *khamr*."

This is false, as for the order to avoid fat it implies avoiding it in general, every single other thing is prohibited as we mentioned. We clarified this in great detail before in the chapter about orders. So it is established that whenever something is prohibited, then it is prohibited to own it, sell it, use it, and eat it upon generality, except if a *naṣṣ* comes specifying something from it. The actions of the Jews fall under this. And as for thet claimed about 'Umar it is also false, there is not a single resemblance between *khamr* and fat, he, may Allāh be pleased with him, did not see the issue except in the manner we described as general orders and did not mention the action of the Jews except to emphasize. This is very clear, and all praise is for Allāh.



## Section: The Clarification For All Issues That Have *Ijmā* 'Or Are The View Of The Majority But Have No *Nuṣūṣ*

This encapsulates their entire argument from Qur'ān and *sunnah*. We've made it clear that all the evidence they present is in reality all against them and invalidate *qiyās*. Anyone with even a modest level of reasoning can perceive that everything they use to indicate *qiyās* lacks any semblance of evidence. The majority of their arguments are based on weak narrations. We acknowledge the existence of similarities in matters, and we, all praise be to Allāh, have a greater understanding of these similarities. We affirm what needs to be affirmed and have a better belief in them than they do. Our objection is solely to equating these matters by imposing identical rulings and using *ta'līl*, applying the same ruling due to a certain similarity between them. We reject the act of legislating, obligating, prohibiting, or permitting based on mere similarities, contrary to what Allāh or the Prophet have ordained. This is our stance.

Some among them claim  $ijm\bar{a}$  on the validity of the method of  $qiy\bar{a}s$  without delving into the matter. This claim is entirely false without a shred of doubt. We are absolutely certain that it has never been authentically narrated from anyone from the  $sah\bar{a}bah$  affirming that the method of  $qiy\bar{a}s$  is the truth, neither through reliable nor weak narrations, except for one weak narration we previously mentioned from 'Umar.

Instead there is  $ijm\bar{a}$ ' from the  $sah\bar{a}bah$  on the invalidity and fallacy of every single  $qiy\bar{a}s$ . It is an established and known with certainty by every son of  $\bar{A}$ dam who understands Islām whether Muslim or infidel, that all the  $sah\bar{a}bah$  unanimously agreed to follow and obligate whatever was revealed by Allāh and His Messenger, as long as it has not been abrogated. They also unanimously agreed that no one is allowed to prohibit, permit, or impose any ruling that is not from Allāh or His Messenger. Furthermore, they all concurred that the Messenger of Allāh did not leave his ummah in obscurity

concerning any aspect of the religion and clarified everything to the people. These agreements are unanimous among the  $sah\bar{a}bah$ , from the first to the last, beyond any doubt. Anyone that disagrees with this is an infidel. But since they unanimously agree without a shadow of doubt, it is evident that  $qiy\bar{a}s$  is invalid. According to those who believe in it,  $qiy\bar{a}s$  is creating rulings for newly emerging matters in the religion for which Allāh did not reveal a ruling in the Qurʿān, and neither did His Messenger clarify a ruling. There is no doubt that if any of the  $sah\bar{a}bah$  were to hear this, they would disassociate themselves from anyone who follows the methodology of the adherents to  $qiy\bar{a}s$ .

The  $s\bar{a}h\bar{a}bah$ , numbering in tens of thousands, have left behind a vast amount of knowledge.  $Had\bar{\imath}th$  has been narrated from about one thousand three hundred of them, cited by name. As for fiqh and  $fat\bar{a}wa$ , it has been narrated from approximately one hundred forty of them, known by name. Not a single one among them ever mentioned the permissibility of  $qiy\bar{a}s$ , nor did they order it, except for one weak narration attributed to 'Umar, as clarified in detail earlier.

Regarding the use of 'ilal and ta'  $l\bar{\imath}l$ , used by the proponents of  $qiy\bar{a}s$ , to find validity in  $qiy\bar{a}s$ , we can state with certainty that none of the  $s\bar{a}h\bar{a}bah$ ,  $t\bar{a}bi'\bar{\imath}n$ , or  $t\bar{a}bi'u$  al- $t\bar{a}bi'\bar{\imath}n$  ever mentioned or anything supported this approach. This was an invention of the companions of Al-Shāfi' $\bar{\imath}$ , followed by the companions of Abū Ḥan $\bar{\imath}$ fah and then the companions of Mālik. This is an established fact known to both us and them. Nothing has ever been narrated from any of the  $im\bar{a}ms$  on this topic except their companions. There are not even weak narrations, let alone an authentic narrations from the  $s\bar{a}h\bar{a}bah$ ,  $t\bar{a}bi'\bar{\imath}n$ , or  $t\bar{a}bi'\bar{\imath}$  al- $t\bar{a}bi'\bar{\imath}n$  indicating  $ta'l\bar{\imath}l$ . None of them engaged in  $ta'l\bar{\imath}l$  of a ruling, extracting an 'illah and using it as an 'al $\bar{a}mah$  for that ruling. And then using  $qiy\bar{a}s$  based on that 'illah for anything that matches, as they believe that  $qiy\bar{a}s$  is invalid otherwise.

They all concur with us that none of the  $s\bar{a}h\bar{a}bah$ ,  $t\bar{a}bi$   $\bar{n}$ , or  $t\bar{a}bi'u$  altabi' $\bar{n}$  ever uttered the words or terms related to  $qiy\bar{a}s$ . Moreover, none of them ever indicated its meaning; if they had known it, they would not have concealed it. So, it is evident with certainty that there is a  $ijm\bar{a}$  indicating the falsehood of  $qiy\bar{a}s$ .

Many of the advocates of  $qiy\bar{a}s$  are forced to retreat from mentioning the words 'ilal and ta'līl of  $ahk\bar{a}m$ , and the term  $qiy\bar{a}s$ , and they resort to using words like  $tashb\bar{i}h$   $tamth\bar{i}l$ , and  $tandh\bar{i}r$ , while evading the meanings



associated with these words. The definitions for these words align with their original understanding, they are the same as  $qiy\bar{a}s$ . As for their  $istihl\bar{a}l$ , there is no significant difference between them and those who permit khamr under the name  $nab\bar{\imath}dh$ . The least ones to use  $qiy\bar{a}s$  are the companions of Aḥmad and  $ash\bar{a}b$   $ul-had\bar{\imath}th$ , who do not adhere to  $taql\bar{\imath}d$ . Some companions of Mālik and a very few from the companions of Abū Ḥanīfah fall into this category.

It is impossible for anyone to permit anything in this matter, and for anyone with even a modicum of intellect to claim  $ijm\bar{a}$  on this matter. There exist more than twenty thousand issues narrated from the  $sah\bar{a}bah$ , and not a single one of them hints at  $qiy\bar{a}s$ , except for one weak narration, as previously clarified, which we previously clarified in the greatest of details.

There are approximately ten other matters which the proponents of  $qiy\bar{a}s$  falsely assume it to be  $qiy\bar{a}s$ , while in reality, it bears no resemblance to  $qiy\bar{a}s$ . Moreover, they all concur with us that there has never been anything narrated regarding  $qiy\bar{a}s$  from the  $sah\bar{a}bah$  during the lifetime of the Prophet  $\stackrel{\text{\tiny{deg}}}{=}$ .

We seek refuge in Allāh from any religion besides the religion of Allāh and from any innovation unrelated to Islām. If  $qiy\bar{a}s$  were true, traces of the Prophet clearly elucidating and acting upon it would never cease to exist. One of the most glaring falsehoods is to permit  $qiy\bar{a}s$  in the religion while the Prophet left no clear guidance on how to perform  $qiy\bar{a}s$ , when to use it, and what to apply it to and all of its conditions. It is evident that  $qiy\bar{a}s$  is false beyond any doubt.

As for  $Ra \, \bar{\imath}$ , this was used of many among them. However, there is no conceivable way for any of them to have elevated their  $Ra \, \bar{\imath}$  to become a ruling in the religion. Most proponents of  $qiy\bar{a}s$  reject  $istihs\bar{a}n$  and  $Ra \, \bar{\imath}$  unless they align with  $qiy\bar{a}s$  and an illah. The majority of later scholars from the hanafiyyah and  $m\bar{a}likiyyah$  have taken this approach, following the methodology of the  $sh\bar{a}fi \, iyyah$ , abandoning the methods of their earlier scholars who relied on  $Ra \, \bar{\imath} \, and \, istihs\bar{a}n$ .

In the next chapters we will clarify, by the will of Allāh, in detail every single claim of them that there are issues that have an  $ijm\bar{a}$  which is because of  $qiy\bar{a}s$ , afterwards we will clarify every single narration attributed to the companions which they use to indicate the use of  $qiy\bar{a}s$  from them.

They say, "Issues exist that have  $ijm\bar{a}$ " with no  $nus\bar{u}s$  and that indicates that it is because of  $qiv\bar{a}s$ ."

The answer: We have clarified before in detail that an  $ijm\bar{a}$  cannot exist without  $nus\bar{u}s$ , and we have clarified in detail the manner that is valid from it

which is from texts and that every single narration used does not indicate anything about their view of  $ijm\bar{a}$ .

Certainly, when delving into the  $\bar{a}th\bar{a}r$  of the salaf, one will encounter a wealth of  $ijtih\bar{a}d$  and Ra  $\bar{i}$ . It's widely accepted among scholars, including ahl ul- $qiy\bar{a}s$ . Except that these approaches from them were  $istinb\bar{a}t$  of the  $nus\bar{u}s$ . It is known that  $ijtih\bar{a}d$  encompasses various methodologies. Among them are  $istinb\bar{a}t$  of the  $nus\bar{u}s$  and reconciling seemingly contradictory texts, among other methods. It is then false to label  $ijtih\bar{a}d$  as  $qiy\bar{a}s$ , attempting to equate it with  $qiy\bar{a}s$  as the fourth source of deriving religious rulings. Similarly, Ra  $\bar{i}$ , too, encompasses several facets that set it apart from  $qiy\bar{a}s$ . This includes deducing rulings from the text when a mujtahid is uncertain about its correctness. We've already discussed this in detail. It's essential to clarify that various narrations mistakenly equate Ra  $\bar{i}$  with  $qiy\bar{a}s$ .

It is incorrect for scholars of knowledge to claim that the  $ijtih\bar{a}d$  and Ra  $\bar{i}$  of the salaf can be used to validate  $qiy\bar{a}s$  as the fourth distinct source of religious evidence. Yet, numerous staunch proponents of  $qiy\bar{a}s$  continue to argue that it can be directly derived from the  $\bar{A}th\bar{a}r$  of the salaf and  $ijm\bar{a}$ . For instance, Al-Sarkhas $\bar{i}$  contends that the evidence in favor of  $qiy\bar{a}s$  from the practices of the salaf is exceedingly abundant. Al- $\bar{A}$ mid $\bar{i}$  claims that consensus among the salaf existed regarding the use of aivag in situations where there were no explicit textual references. Al-Juwayn $\bar{i}$  and aivag Al-D $\bar{i}$ n Al-Bukh $\bar{a}r$  likewise claim aivag.

However, as one delves deeper into the  $\bar{a}th\bar{a}r$  of the salaf, it becomes increasingly evident that the alleged consensus on  $qiy\bar{a}s$  as the fourth source of the religion is not substantiated. Among the  $s\bar{a}h\bar{a}bah$ , there is no trace of any substantial support for  $qiy\bar{a}s$ ; instead, they criticized and rejected it. Those who claim such consensus are challenged to provide a substantial number of authentic narrations, yet they are unable to produce even one. We have previously explored this topic at great length, and based on the preceding discussion, it can be confidently said that the claimed consensus on  $qiy\bar{a}s$  is false, and many scholars do not agree with the existence of  $ijm\bar{a}$  on it.

The significant presence of  $\bar{a}th\bar{a}r$  from the salaf, which consistently reject  $qiy\bar{a}s$ , indicates the falsehood of claiming an  $ijm\bar{a}$ . Their argument for  $ijm\bar{a}$  draws from the  $fat\bar{a}wa$  of the  $sah\bar{a}bah$ , all of which we will thoroughly examine and demonstrated that it lacks substantiating evidence for their claims.



'Alī's statement, "If the religion would be based on Ra'ī, it would be more important to wipe the under part of the shoe than the upper, but I have seen the Prophet wipe over the upper part of his shoes," directly signifies his rejection and dismissal of ta'līl,  $qiy\bar{a}s$  al-'aks, and any form of  $qiy\bar{a}s$  and Ra'ī. This indicates just one of the many teachings from the salaf that disapprove of  $qiy\bar{a}s$  and Ra'ī, and we will discuss all existing  $\bar{a}th\bar{a}r$  from the salaf on this topic, by the will of Allāh.

Moreover, it is worth questioning the validity of claiming a consensus (ijmā') on qiyās, considering the numerous variations and types of qiyās that exist. As previously mentioned, proponents of qiyās often cite cases from the actions of ṣaḥābah, arguing that these align with their method of qiyās and the specific conditions they have established. For example, al-Sarkhasī mentions cases of mushāwarah (consultation) between the Prophet and ṣaḥābah regarding warfare, 'Alā' al-Dīn Al-Bukhārī discusses the shurah (consultative council) convened by 'Umar, and Al-Shaykh Al-Khudhari and Ibn Rajab reference the instance where 'Uthmān gathered the maṣāḥif (copies of the Qur'ān). We will clarify by the will of Allāh, that there is no evidence in any of these claims.

We will now clarify in detail every single claim of them regarding issues that have  $ijm\bar{a}$  but no  $nus\bar{u}s$ , by the will of Allāh, the Most Exalted.

<sup>&</sup>lt;sup>119</sup> Sunan Abī Dāwūd 162, 1/63



## Section: Regarding The Letter Of 'Umar To Abū Mūsā Ordering The Use Of *Qiyās*.

There are two narrations attributed to 'Umar in which he sends letters to explicitly use *qiyās*. The first letter is sent by 'Umar to Abū Mūsā, *Al-Qā'isūn* exaggerate in concluding qiyās from this narration. The second letter from 'Umar is to Al-Qādī Shuraiḥ, this letter has no indication for qiyās, this is something all  $q\bar{a}$  is  $\bar{u}n$  agree on, they only use the first letter as evidence for qiyās. Firstly, we will mention the matn of the narration, then we will clarify all of its turug, "Sa'īd Ibn Abī Burdah said that he published the letter of 'Umar he had with him and said, 'This is the *kitāb* (letter) of 'Umar.' He then read it to Sufyān from this sentence onwards, 'To Abū Mūsā al-Ash'arī, if you are in doubt about an issue which you do not find in Qur'an and sunnah then think deeply about it and look at its similarities and examples and after that use *qiyās* of that which is the most beloved to Allāh and the *sunnah* of the Prophet and then pass a judgment in light of that." The first tarīq is from Jaʿfar Ibn Burgān —» Maʿmar Al-Basrī —» Abū Al-ʿAwām —» Sufyān Al-Thawrī —» Idrīs Al-Awdī, "I came to Sa'īd Ibn Abī Burdah and asked him about the letters of 'Umar which he wrote to Abū Mūsā and Abū Mūsā had bequeathed to Abū Burdah books, he spread them. I saw in a letter in it the narration returning to Abū Al-'Awām —» 'Umar. 120

The second *tarīq* is from Sufyān Ibn 'Uyainah —» Idrīs Al-Awdī —» Sa'īd Ibn Abī Burdah, "'Umar wrote a letter to Abū Mūsā." <sup>121</sup>

The third *tarīq* is from Jaʿfar Ibn Burqān —» Maʿmar Al-Baṣrī —» Abū Al-ʿAwām, "'Umar wrote a letter." <sup>122</sup>

 $<sup>^{120}</sup>$ Musnad Al-Faruq 2/435 | Iʿlām al-Mawqiʿīn 2/158 | Tārīkh Dimashq 32/71, 3461 | Sunan Al-Dāraquṭnī $4/207,\,4381$  | Sunan Al-Kubrā6/65

<sup>&</sup>lt;sup>121</sup> Sunan Al-Dāragutnī 5/369, 4472

<sup>&</sup>lt;sup>122</sup> Ma'rifah Sunan Wal-Āthār 14/240-241, 19792



The fourth *ṭarīq* is from Aḥmad Ibn ʿUmar —» ʿAbd Ul-Raḥmān Ibn Al-Ḥasan Al-Shāfiʿī —» Al-Qāḍī Aḥmad Ibn Muḥammad Al-Karjī —» Muḥammad Ibn ʿAbdullah Al-ʿAlāf —» Aḥmad Ibn ʿAlī Ibn Muḥammad Al-Warrāq —» ʿAbdullah Ibn Saʿd —» Abū ʿAbdullah Muḥammad Ibn Yaḥyā Ibn Abī ʿUmar Al-ʿAdanī —» Sufyān —» Idrīs Al-Awdī —» Saʿīd

Ibn Abī Mūsā Al-Ashʿarī Ibn Abī Burdah —» his father, "'Umar wrote a letter to Abū Mūsā."<sup>123</sup>

The fifth *ṭarīq* is from Yaḥyā Ibn Muḥammad Saʿīd —» Yūsuf Ibn Mūsā Al-Qaṭṭān —» ʿUbaydullah Ibn Mūsā —» ʿAbd Ul-Mālik Ibn Al-Walīd Ibn Maʿdān —» his father. <sup>124</sup>

The sixth *ṭarīq* is from Wakī '`—» Sufyān —» a man —» Al-Sha 'bī —» 'Umar. 125

The seventh tarīq is from Qatādah —» 'Umar. 126

The eight *tarīq* is from 'Ubaydullah Ibn Abī Ḥumaid —» Abū Al-Malīh Al-Hudhali —» 'Umar.<sup>127</sup>

All of these are weak, as for the first, Idrīs Al-Awdī, is a name shared by two individuals. Both of them are narrators from the *tabi 'īn*. It is possible that the narrator, Idrīs, in all chains he is mentioned, could be either Idrīs Ibn Yazīd Al-Awdī, a *thiqah* (reliable) and widely recognized figure with a biographical entry in Al-Tahdhīb, or Idrīs Ibn Ṣubaiḥ Al-Awdī, whose status is *majhūl*. Abū Ḥātim and Al-Dhahabī declared the latter as *majhūl*. Ibn 'Adī claimed that these two are the same person. Ibn Ḥajar quoted Ibn 'Adī's saying and leaned towards it. But it is false with no evidence presented. And if we would assume that Idrīs Al-Awdī is the one that is a *thiqah*, he is then someone from the seventh generation and he is speaking about Abū Mūsā by himself, not through someone else, while he without any doubt could not have met Abū Mūsā or heard anything from him directly.

As for the second Saʿīd Ibn Abī Burdah did not even meet, see, hear anything from Ibn ʿUmar, let alone ʿUmar. He died after 130 AH.

As for the third, Abū Al-ʿAwām is ʿAbd Ul-ʿAzīz Ibn Al-Rabīʿ he never met, saw or hear anything from ʿUmar.

126 Usūl Ul-Figh by Ibn Muflih 3/1323

<sup>&</sup>lt;sup>123</sup> Iḥkām Fī Uṣūl Al-Aḥkām 7/146 | Tārīkh Baghdād 10/449 | Tārīkh Dimashq 32/72 | Sunan Al-Sughra 3260

<sup>&</sup>lt;sup>124</sup> Al-Faqīh Wal-Mutafaqqih 2/200 | Sunan Al-Dāraqutnī 2/132-33, 4425, 4426

<sup>&</sup>lt;sup>125</sup> Ansab Al-Ashraf 10/389

<sup>&</sup>lt;sup>127</sup> This *tarīq* is included in the sources above

As for the fourth, the narrators between Sufyān and Al-Karjī are filled with *majhūl* narrators. Saʿīd Ibn Abī Burdah through Abū Mūsā al-Ashʿarī is *munqati* '(broken). When this chain is attributed to 'Umar, the chain has even more discontinuity (*inqiṭā* ').

As for the fifth 'Abd Al-Mālik Ibn Al-Walīd Ibn Ma'dān is weak and his father is *majhūl*. 'Abd Al-Mālik Ibn Al-Walīd Ibn Ma'dān is declared weak by Al-Azdī, Al-Bukhārī, Al-'Uqaylī, Al-Nasā'ī, Abū Ḥātim Al-Rāzī, Ibn Ḥibbān, Ibn Ḥajar Ibn Ḥazm, Bashār 'Awwād and others. 128 Yaḥyā Ibn Ma'īn was the only from those whose view matter to describe him as *ṣālih*, and there is no evidence for his credibility. As for his father he is *majhūl*, absolutely nothing is known about him, Ibn Ḥibbān is not relied upon his *tawthīq* of *majāhīl*. There exists *irsāl* (disconnection) between Al-Walīd and 'Umar, Abū Ḥātim declared it as *mungati*'.

As for the sixth, there is an unknown narrator.

As for the seventh Qatādah heard nothing from 'Umar.

As for the eighth, 'Ubaydullah Ibn Abī Ḥumaid is weak, he is declared weak by Al-Bukhārī and Aḥmad and Abū Bakr Al-Hudhali is also weak. And Abū Al-Malīh heard nothing from 'Umar.

There are also defects in this narration in general, The statement attributed to the narrator, claiming that he disseminated a letter from 'Umar and declared it to be from 'Umar, is a *mursal ṣahīfah*, a disconnected *wijādah*, and a *wijādah* is a narrator encountering a written text from someone they did not meet. And it is not permissible for the narrator to pretend as if he heard from him while he did not.

Those who believe in the authenticity of the narration failed to present evidence for its publication during 'Umars or Abū Mūsā's era. Witnesses are also absent, so this invalidates any aspect of its authenticity, even aspects that do not matter regarding the authenticity. The *salaf* had no awareness of anything regarding this event. The letter is also unsupported by any authentic  $isn\bar{a}d$  from any of the  $s\bar{a}h\bar{a}bah$ , these are merely false claims attributed to 'Umar.

This letter is not transmitted from any  $sah\bar{a}b\bar{i}$  with a reliable chain, except for the chains we mentioned about 'Umars letter to Abū Mūsā. Among the  $t\bar{a}bi$  ' $\bar{u}n$ , there are very few narrations, most weak. The strongest among them,

 $<sup>^{128}</sup>$  Tahdhīb Al-Kamāl 2/628, 8/355, 18/431, 2/628 | Ikmal Tahdhīb Al-Kamāl 8/355 | Tahdhīb Al-Tahdhīb 2/628, Al-Jarḥ Wal-Taʻdīl 5/373, Taqrib Al-Tahdhīb 1/629



while it is weak, has two 'illahs. The rest of all chains have very apparent weaknesses.

One such chain attributed to the *tarīq* 'Abdullah Ibn Abī Ḥāmid, he is universally agreed upon for its weakness, even deemed *matrūk*. Its *isnād* is further compromised due to *mu'dhal*. Another *tarīq* from 'Abd Ul-Mālik Ibn Al-Walīd Ibn Ma'dān, has three significant '*ilal*. His father, Al-Walīd Ibn Ma'dān, has an uncertain status in terms of virtue. There exists *irsāl* (disconnection) between Al-Walīd and 'Umar, Abū Ḥātim declared it as *mungati'*. There are also many *majāhīl* in it.

Contrary to scholarly consensus regarding <code>hadīth</code>, Al-Albānī falsely authenticated 'Umars letter through the chains we mentioned earlier from Al-Dāraquṭnī, an evaluation that hinges on presumptuous assumptions regarding Idrīs al-Awdīs lineage. This implies authenticating the <code>mursal wijādah</code> with no corroborative indicators. Al-Albānī acknowledges instances of <code>i'dhāl</code> and <code>ibhām</code> within the chains, yet contends that relying on such narrations suffices, using a weak methodology.

Ahl ul-ḥadīth universally acknowledges the caution regarding mursal wijādahs. Ibn Ḥajar, upon reviewing the chains sourced from Al-Dāraquṭnī, Al-Bayhaqī, and Ibn Ḥazm, noted that these chains are strengthened due to the existence of the written letter. The claims of Ibn Ḥajar here does not indicate authenticity, it only indicates a certain degree of reinforcement. This augmented strength does not reach the state to authenticate the narration. Describing a narration as stronger than its initial appearance is a common assessment among ḥadīth scholars, yet this label does not inherently confer authenticity. Even with this heightened strengthening, the pivotal aspect of substantial evidence for authenticity remains absent, consistent with the range of reasons previously expounded upon. And the narration remains mursal, discarded.

Bashār 'Awwād Ma'rūf said, "The esteemed scholar *shaykh* Aḥmad Shākir May Allāh have mercy on him staunchly defended 'Umar's letter. He said, 'When it comes to 'Abd Ul-Mālik, there exists a divergence of opinion about his status. The only one to cast doubt on him was Ibn Ḥazm. 'Abd Ul-Malik is rather categorized as *mutawassit*.' It is widely acknowledged that 'Allāmah Aḥmad Shākir had a pronounced inclination towards avoiding the weakening of narrators. Know that Ibn Ḥazm wasn't the only one to criticize 'Abd ul-Mālik's reliability. Preceding Ibn Hazm, the eminent *imām ul-*

muhaddithīn Al-Bukhārī had already addressed 'Abd Ul-Mālik's weakness. 129 It is inferred from his statements that 'Abd Ul-Mālik could even be matrūk not just weak. Abū Hātim Al-Rāzī said regarding him, 'He is weak.' 130 Ibn Hibban said regarding him, 'His narrations face strong rejection, ruling them invalid for use for arguments. None of his narrations hold credibility for substantiating any point.'131 These assessments, all of them critical (iarh), originate from sources beyond Ibn Hazm. Al-Nasā'ī said regarding him, 'He is not strong.' Ibn 'Adī said, 'He narrated narrations which are not to be followed by anyone. '132 Al-Ḥāfiz Ibn Ḥajar said, 'He is weak.' Ibn Ma'īn was the only one claiming that he is a man of virtue, a claim unsupported by any evidence. It is in such a case false to suggest, as Ahmad Shākir did, that there exists a difference of opinion in such a matter. The accurate perspective aligns with Ibn Hazms saying. Turning to his father, Al-Walīd Ibn Ma'dān, al-Dhahabīs words followed after quoting Ibn Hazm, 'Al-Walīd Ibn Ma'dān was the only one to narrate this about the narration of 'Umar.' 133 Ibn Hibban said. 'His narrations can be deemed acceptable, but only when they originate from sources other than his son.'134 An exception which does not occur to the narrations attributed to 'Umar. Subsequently, Ahmad Shākir cites certain chains of narration and then concludes authenticity for the narration. However, each and every isnād he references are both weak and marāsīl. Alimām Al-Bukhārī, in this regard, stated, 'Al-Walīd Ibn Ma'dān al-Duba'ī narrating about 'Umar is mursal.'135 Abū Ḥātim said, 'Al-Walīd Ibn Ma'dān al-Duba'ī narrating about 'Umar's letter to Abū Mūsā is mursal.'136 The greatest muḥaddithūn unanimously contend that Marāsīl holds no evidential weight. In addition, he (Ahmad Shākir) claims about the narration that Idrīs Ibn Yazīd Ibn 'Abd Ul-Rahmān al-Awdī sought out Sa'īd Ibn Abī Burdah and inquired about the letters attributed to 'Umar. And that Sa'īd Ibn Abī Burdah related that his father Abū Burdah had received the letters from Abū Mūsā, claiming that they were transmitted via wasiyyah, and subsequently published

<sup>129</sup> Tārīkh al-Kabīr, Volume 5, Tarjamah 1420

<sup>&</sup>lt;sup>130</sup> Al-Jarh Wal-Ta'dīl, Volume 5, Tarjamah 1745

<sup>&</sup>lt;sup>131</sup> Al-Majrūhūn Volume 2, Page 135

<sup>&</sup>lt;sup>132</sup> Tahdhīb ul-Kamāl, Volume 18, Page 432

<sup>&</sup>lt;sup>133</sup> Al-Mīzān Volume 4, Page 349

<sup>&</sup>lt;sup>134</sup> Al-Thiqāt Volume 5, Page 494

<sup>&</sup>lt;sup>135</sup> Tārīkh al-Kabīr, Volume 8, al-Tarjamah 2537

<sup>&</sup>lt;sup>136</sup> Al-Jarh Wal-Ta 'dīl, Volume 9, Tariamah 75



them. Sa'īd Ibn Abī Burdah, his son, was a young  $t\bar{a}bi'\bar{\imath}$  who had not encountered 'Umar nor even Ibn 'Umar. Considering the perspectives of Ibn ul-Qayyim and other scholars regarding the *ummah*'s acceptance of this narration (and other claims), they authenticate it using their method, as for the method of *hadīth* it is something else (weak)." <sup>137</sup>

Regarding *istidlāl* of the letter. Even in the hypothetical situation where one might assume its authenticity, an assumption contradicted by the certain evidence clarified in detail, there exists no conceivable alignment between the term  $qiy\bar{a}s$  as understood by the  $usuliy\bar{n}$  and its application in 'Umar's letter. Moreover, its equally untenable to classify it as a standalone fourth evidence alongside the Qur'ān, sunnah, and  $ijm\bar{a}$ '. This false claim stands apart from 'Umar's stance. It is impossible that 'Umar would endorse the shedding of blood or the appropriation of others wealth based solely on perceived resemblances that a  $q\bar{a}$ 'is might discern from unrelated rulings.

Regarding 'Umar's statement, "If you are in doubt about an issue which you do not find in the Qur'an or the sunnah, then think deeply about it and look at its similarities and examples, and after that use qiyās that which is closest to the Book of Allāh and sunnah of the Prophet # , and then pass a judgment in light of that." A possible ta 'wīl from the perspective of the author of this letter is that he intended examples and similarities that are universally accepted by both advocates and critics of qiyās. Comparable to instances found from tanqīḥ al-manāt, a process that sifts through a text to deduce implicit grounds for issuing a ruling, discarding insignificant or extraneous details. So, when an example or resemblance surfaces, not explicitly stated  $(mant\bar{u}q)$  in the text but implied  $(mafh\bar{u}m)$ , and still supported by evidence from Qur'an and sunnah through direct istinbat (deductive reasoning), we term it as dalīl as long as it is fulfills the conditions we mentioned in the chapter about dalīl, everything other than what we mentioned in the chapter about dalīl is falsehood. Whereas some label the implications of texts falsely as qiyās, while it does not go according to the conditions of qiyās in the first place. An exemplar is the narration from Jabir, wherein he stated, "The Prophet stayed in Tabūk for twenty days, shortening his prayers." What we are certain of is that the Prophet ## embarked on a journey, subsequently staying resident for a period of twenty days, during which he shortened his prayers, and then he returned to Madīnah. From an apparent perspective, we

<sup>137</sup> Al-Muḥallā 1/359-360 edition: Bashār 'Awwād

comprehend that the ruling of shortening prayers is associated with both the entire duration of travel and the span of time spent in residence. But within the narration, other details are mentioned, which bear no significance, such as whether the travel was motivated by ighārah or any other reason, the specific season of travel, the distance covered, and other particulars which hold no bearing in deriving rulings. Should anyone believe that every single detail mentioned in a narration must impact a ruling for it to be effective, without it having been made as a reason, they would be compelled to argue: The ruling of shortening prayers only applies during the summer, under the condition that the distance is of a certain length. This line of reasoning, however, declares matters excessively specific in relation to irrelevant factors. This approach can be extended to any other subject and its associated narrations. In reality, the details mentioned in such cases are merely incidental, and each instance of concurrence (muwāfaqah) does not inherently qualify as evidence deserving consideration; it lacks the capacity to significantly impact a ruling. We clarified this in the chapters before.

This is why the concept of shortening prayers  $(qa\bar{s}r)$  is connected to the entirety of travel and timed residence. Whether the journey is for  $igh\bar{a}rah$ , seeking knowledge, trade, or any other purpose, the ruling of shortening prayers applies. Likewise, whether the travel occurs in winter, spring, or summer, the application remains consistent. In situations where the Prophet's actions lack explicit wording  $(mant\bar{u}q)$ , the bounds of generality are only understood from this manner of refining attributes  $tanq\bar{\iota}h$   $al-aw\bar{s}af$ . This is the methodology taken by most scholars of knowledge, whether they accept or reject  $qiy\bar{a}s$ . However, variations exist in the application of these principles to  $fur\bar{u}$ , stemming from differences in grasping the attributes of each narration and discerning the intended attribute from those that are irrelevant.

One of the illustrative examples are the narrations where its stated that the Prophet wiped over the 'imāmah. If someone claims, "There is no narration of the Prophet wiping on anything other than the 'imāmah." We counter: This claim has no value because the Prophet did not tell us the reason, he did not say that wiping is only on the 'imamah or the khimār.

What we understand from the actions of the Prophet of wiping over the 'imamah is that direct contact with the head using the hand is not obligatory. This understanding also leads us to the conclusion that anything can be wiped upon, regardless of its thickness or thinness. We pose the



question to them: If a companion described, "The Prophet wiped over a yellow 'imamah made of cotton, folded three times," would you then prohibit wiping over a white, green, or red 'imamah made of cotton, folded ten times? Or, if a companion described that the Prophet wiped over two black khuffain (leather socks), would you prohibit wiping over white khuffain? If their stance is that anything the narrator adds to the main action must be added in the ruling, their position is false and problematic. And, if they refuse what the narrator describes, they are return to the truth. This issue will be clarified later in greater depth, by the will of Allāh.

It is enough of a response that this narration is from the words of other than Allāh and His Messenger so it must be rejected. The amount of times with which the *madhāhib* abandon the views of 'Umar, and only accept them when they align with those of their forefathers, holds considerable significance. and even in this narration they themselves oppose the views of 'Umar. They also oppose many matters that 'Umar mentioned in the letter.

Abū Ḥanīfah, Mālik and Al-Shāfi i are among them, who use this letter as an evidence, while they allow the testimony of the lashed person who consumed khamr and the fornicator as long as they repent. Mālik and Al-Shāfi i allow the testimony of the lashed *qādhif* if they repent. Which is all against what is mentioned in the entire letter of 'Umar, which is long. If they try to claim  $ijm\bar{a}$  then the view of Al-Awzā'ī invalidates that as he does not allow their testimonies the same way it is in the letter of 'Umar which they falsely authenticate. They also allow the testimony of the brother on behalf for his brother and the testimony of the slave, on behalf of his master. They do not conclude their testimonies false as it is mentioned in the letter of 'Umar, due to being close relatives. It is also false to claim ijmā' on this as 'Uthmān Al-Battī and others rejects their testimonies. It is from the most false methods to conclude evidences from one part of narrations while opposing the other part. And also the words used in the letter about depending on what is most similar to the truth, closest to Allāh and most beloved to Allāh, to conclude a ruling based from this is false and fabricated without any doubt. A  $q\bar{a}$  is does not know what he assumes to be similar is what is most beloved to Allāh, or that it is closest to him or His Book. This is what they affirm to be authentic. And no one with the least amount of knowledge can ever be able to ascribe these words with certainty that it is the most beloved to Allāh. We do not know anything except about a matter except that it can either be truth or false. Whatever is false is not allowed to be applied for rulings and whatever is the



truth, it can never be said regarding it that it only resembles what is the truth. What is the truth instead is always called the truth without any doubt. So using this letter for *qiyās* is false in any possible way.

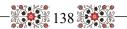
What is authentic from 'Umar is instead him invalidating every single *qiyās*. It is narrated on the authority of Al-Sha'bī, "Shuraiḥ wrote a letter to inquire 'Umar. 'Umar wrote back to him a letter saying, 'Rule with what is in the Book of Allāh, if it is not in the Book of Allāh, then rule with the *sunnah* of the Messenger of Allāh. If it is not in the Book of Allāh and also not in the *sunnah* of the Messenger of Allāh, then rule by that which the *ṣāliḥūn* have ruled with. If it is not in the Book of Allāh, nor in the *sunnah* of the Messenger of Allāh, nor that which the *ṣāliḥūn* have ruled with, then if you wish, go ahead (perform *ijtihād*), and if you wish leave it. I do not see leaving it except that it is better, *al-ṣalamu 'alaykum*."

This is an order to abandon  $qiy\bar{a}s$  completely and also the choice 'Umar gave to abandon a ruling if a person does not find that new occurring issue in the Book of Allāh, the sunnah or  $ijm\bar{a}$ ' invalidates it. This alone invalidates the claim that 'Umar ordered  $qiy\bar{a}s$ , let alone the certain evidences for the weakness of that letter.

Another certain reason why by necessity that letter is a fabrication without any doubt is that 'Umar said as mentioned before, "Depend on that which is the most similar to the truth and closest to Allāh and the Most beloved to him and rule in the light of that."

If they say, "When you rule, do you affirm certainty on a *khabar ul-wāḥid* narrated by someone upright, or do you say it is false, or do you say it resembles the truth? This is the same thing you used against us." The answer is that a *khabar ul-wāḥid* from upright narrators which is connected is the truth and the witness of two upright Muslims is also the certain truth. Except that we say that if a narration is authentic and connected by upright narrators, whose virtue is agreed upon then it is the truth, different from witnesses. Others said, "Every single person, whether in witnesses or narrations are either all the certain truth from Allāh or they are false." This is false and it is not allowed to say that it only resembles the truth or is the most similar to the truth, we do not agree with them regarding this. We only discuss here what they narrate about 'Umar with the wording used in the letter, "That which is the most similar to the truth," we clarified the falsehood of this wording. And

<sup>138</sup> Sunan Al-Kubrā 5911



All praise is due to All $\bar{a}h$ , there is no power or strength except by All $\bar{a}h$ . The Most High, the Most Great.



## Section: Regarding The *Ijmā* 'Of The *Ummah* On The *Istikhlāf* Of Abū Bakr

They say, "This happened based on *qiyās* when the Prophet appointed Abū Bakr to lead the prayer. And also 'Umar said to the Anṣār, 'Maintain your *imāms* contentment, the one, the Prophet endorsed for your prayers by appointing him to lead you."

The answer: This claim is false and must not be affirmed. If the only evidence for Abū Bakr's precedence in the *khilāfah* is the Prophets instructions for him to lead prayer, with the Prophet himself praying behind him, then 'Alī would be just as deserving of the *khilāfah*. The Prophet prayed behind 'Alī in Madīnah during the *ghazwah* of  $tab\bar{u}k$ , one of the Prophets final  $ghazaw\bar{a}t$ .

If they say, "But Abū Bakr leading the prayer was from the last orders ever done by the Prophet ."

The answer: Despite this, 'Alī's virtue did not diminish. So, any claim of abrogation (naskh) is baseless, ruling their argument devoid of substance. Moreover, 'Alī's virtue even grew after he led the prayer at ghazwah of tabūk. The Prophets choice to have Abū Bakr lead the prayer wasn't due to any deficiency in 'Alī that wasn't present during ghazwah of tabūk. Similarly, the Prophet appointing 'Alī to lead the prayer in Madīnah during the year of tabūk wasn't because he was superior to Abū Bakr. Then Abū Bakr leading the prayer holds no relevance to the concept of khilāfah.

The scholars hold only two distinct views concerning Abū Bakr's *khilāfah*: The first claim that the Prophet himself declared Abū Bakr as the first *khilāfah*, appointing him as the leader for all Muslims after the Prophets passing. This is our perspective, and we will expound upon it, by the will of Allāh. One of our supporting arguments is the *ijmā* of the entire *ummah*, as they all referred to him as the *khalīfah* of the Prophet. If any of them intended by this term that Abū Bakr was the Prophet's *khalīfah* solely for leading prayers, then Abū Bakr would have been granted this title during the



Prophets # lifetime. However, it is universally agreed upon that he earned this title only after the passing of the Prophet.

If the intended meaning were, "khalīfah of the Prophet for prayer," not for leading the ummah, then he would not have been any more deserving of this title at that time than Abū Ruhm Kulthūm Ibn Al-Ḥusayn Al-Ghifārī, Ibn Umm Maktum, and 'Alī. The Prophet permitted all of them to lead prayers in Madīnah. Similarly, 'Attāb Ibn Usayd Ibn Al-'Īs Ibn Umayyah Ibn 'Abdi Shams led prayers in Makkah, and 'Uthmān Ibn Abī Al-'Āṣ Al-Thaqafī led prayers in Ṭa'if at the Prophets behest. Khālid Ibn Sa'īd Al-'Āṣ Ibn Umayyah Ibn 'Abd Shams also led prayers in Ṣan'ā'. Since the entire ummah agrees that none of the mentioned individuals who led prayers were referred to as khalīfah of the Prophet, neither during his lifetime nor after his passing, nor even when the khalīfah was established after the passing of the Prophet. We are absolutely certain that there is no relation whatsoever between leading prayers and holding the khilāfah.

Furthermore, the Muslims bestowed the *khilāfah* upon him because he was the most qualified among them, and the principle of '*imāmah* dictates that it should be entrusted to the best candidate.

They say, "But the  $anṣ\bar{a}r$  initially resisted Abū Bakr's appointment. And 'Umar said, "If someone precedes in taking the  $khil\bar{a}fah$  than me, then they are better than me. And if no one precedes me then no one better than me owns the  $khil\bar{a}fah$ , meaning the Prophet  $\stackrel{\text{\tiny def}}{=}$ ."

The answer: There is no evidence to support these claims; and it contradicts their position. The  $anṣ\bar{a}r$  did not abandon their Abū Baker based on  $Ra~\bar{\imath}$  while they held a position of authority, being the residents, and among the early converts to Islām. They did not oppose the consensus of *ahl ulmashriq wal-maghrib*, nor did they oppose the entire Arab populace and others, who all embraced Islām, whether by choice or coercion. Their later acceptance was based on being informed of the orders of the Messenger of Allāh which are explicit directives appointing Abū Bakr, not merely their own opinions or the opinions of others among the  $muh\bar{a}jir\bar{\imath}n$ .

Regarding 'Umar's statement, it is his Ra'ī, It is from the mistakes of an 'ālim, which no one is free from after the passing the Messenger of Allāh. There are many cases a scholar can make mistakes, a few examples for that is that 'Umar once remarked to Ibn 'Abbās, when Ibn 'Abbās informed him that the Prophet said that 'Umar would enter Paradise, 'Umar replied to Ibn

'Abbās, "Your knowledge is very little." 139 While it is mentioned in the Our an about ahl ul-hudaybiyyah that which indicates that 'Umar is from the people of jannah and the Messenger of Allāh # himself said that he is from the people of jannah. These are matters 'Umar was not aware of and there exists plenty of them which does not diminish any of his virtue but it necessitates possibility of there existing many matters many of them were not aware, just like any other companion and anyone after the Messenger of Allāh still the day of Judgement. And the day the Prophet passed away, 'Umar said, "By Allāh the Prophet did not pass away!" And 'Umar, May Allāh be pleased with him made *takfīr* of Hātib Ibn Abī Balta'ah and requested the Prophet to kill him, and the Prophet invalidated his view. 141 He had also prohibited women from places high mahr. 142 He abandoned applying the hadd of  $zin\bar{a}$  on a woman that admitted herself that she did prostitution. <sup>143</sup> He also wanted to burn the house of Fāṭimah, 144 He also taught that kissing breaks the fast and the Prophet ## invalidated his view. 145 He also said to a woman that married a slave who he wanted to stone her for, "A Muslim is no longer allowed for you."146 He also made a hadd of eighty lashes whoever prefers him. or anyone over Abū Bakr. 147 He also burned the house of the one that sold khamr, 148 and he did not know the verse of kalālah. 149 We mentioned these from the companions many times before. Know that none of these diminish his virtue and that he is instead rewarded for all of these once for his wrong ijtihād, these cases however indicate that the companions are not an evidence, and that nothing they say is to be followed except what they narrate from the Prophet . The narrations obliging following the companions indicate nothing other than following them in the khilāfah and following what

<sup>&</sup>lt;sup>139</sup> Al-Tabagāt Al-Kubrā 3/352

<sup>&</sup>lt;sup>140</sup> Sunan Ibn Mājah 1627

<sup>141</sup> Musnad Al-Bazzār 1/308, 196 | Al-Mustadrak 'Alā Al-Sahīhayn 8/199, 7184

<sup>&</sup>lt;sup>142</sup> Al-Musannaf by 'Abd Al-Razzāq 6/180, 10420

<sup>&</sup>lt;sup>143</sup> Al-Musannaf by 'Abd Al-Razzāg 7/406, 13653

<sup>&</sup>lt;sup>144</sup> Al-Musannaf By Ibn Abī Shaybah 7/432, 37045

<sup>&</sup>lt;sup>145</sup> Musnad Ahmad 382, 1/439

<sup>&</sup>lt;sup>146</sup> Al-Muşannaf by 'Abd Al-Razzāq 7/209, 12817

<sup>&</sup>lt;sup>147</sup> Fadā'il Al-Sahābah 1/300, 396

<sup>&</sup>lt;sup>148</sup> Al-Muşannaf by 'Abd Al-Razzāq 10051, 7/76

<sup>&</sup>lt;sup>149</sup> Jam' Al-Jawāmi' 14/727



they narrate regarding the Prophet  $\stackrel{\text{def}}{=}$ , as everything else is impossible, as it is clear from the examples presented.

'Umar returned to the truth when Abū Bakr reminded him of the verse when he claimed that the Prophet did not pass away, "Muḥammad is no more than a Messenger, and indeed (many) Messengers have passed away before him. If he dies or is killed, will you then turn back on your heels (as disbelievers)? And he who turns back on his heels, not the least harm will he do to Allāh; and Allāh will give reward to those who are grateful" [3:144].

And when the Prophet wanted a book to be written while he was sick, the sickness that led to his passing. As Ibn 'Abbās said, "As the Prophet neared his final moments, there were individuals present at his home, including 'Umar. The Prophet said, 'Come, I will write for you a document; you will not go astray after that.' Thereupon 'Umar said, 'Verily the Prophet is deeply afflicted with pain. The Prophet is clearly in great pain. You have the Qur'ān with you; Allāh's Book is sufficient for us.' Those who were present in the house differed. Some of them said, 'Bring him the writing material so that Allāh's Messenger can write the document for you by which you would never go astray after it.' And some among them said what 'Umar had already said. When they indulged in nonsense and began to dispute in the presence of Allāh's Messenger he said, 'Get up (and go away).' 'Ubaydullah said, 'Ibn 'Abbās used to say, 'There was a heavy loss, indeed a heavy loss, that, due to their dispute and noise. Allāh's Messenger could not write (or dictate) the document for them."" 150

And Ibn 'Abbās said, 'Thursday! And how great that Thursday was! The ailment of Allāh's Messenger became worse (on Thursday) and he said, 'Bring me something [to write on] so that I may write to you something after which you will never go astray.' The people (present there) differed in this matter, and it was not right to differ before a Prophet.' Some said, 'What is wrong with him? Do you think he is delirious (seriously ill)? Ask him (to understand his state).' So they went to the Prophet and asked him again. The Prophet said, 'Leave me, for my present state is better than what you call me for."

<sup>&</sup>lt;sup>150</sup> Şaḥīḥ al-Bukhārī 7366

<sup>&</sup>lt;sup>151</sup> Al-Jam Bavn Al-Sahīhavn 980, 2/10

These are from the mistakes of an 'ālim which the people before us warned of. Allāh knows that there would be *ikhtilāf* among us. One group deviates in a matter and another is guided. They said what they said for whatever their prevention was to prevent the good. Which if it would be written we would never be misguided after it. The events surrounding this *hadāth* continue to hold significance for us; they bring us sadness and leave a lasting wound. We are confident that Allāh, in His wisdom, would not have allowed the Prophet to write a book ensuring no one would stray thereafter without providing clarification.

That clarification is as follows, it is narrated from the authority of 'Ā'isha, "The Messenger of Allāh swas in his final illness and asked me, 'Bring Abū Bakr and your brother, so that I can write a document. I fear that someone else might be desirous (of succeeding him) and that some claimant may say, 'I am more deserving of it (khilāfah).' While Allāh and the mu'minūn reject (as a khalīfah) anyone except Abū Bakr."152 It is also narrated that this narration occurred at the onset of the Prophets illness. We understand that this is about the document that was intended to be written on the day of khamīs, just four days before the passing of the Prophet ## , as narrated by Ibn 'Abbās. This aligns with what 'Umar mentioned earlier. Initially, at the start of his illness, the Prophet sintended to have it written seven days before the day of khamīs. However, when the day of khamīs arrived, the Prophet # desired to have it written, but his condition worsened. The Prophet passed away the following day of *ithnayn*, after an illness that lasted for twelve days. So, there is no doubt that the content of this book was all related to the *khilāfah* of Abū Bakr, and all narrations regarding this were in reality about the khilāfah after him, aimed at ensuring the ummahs continued guidance after him.

This is another certain evidence against those who claim that Abū Bakr obtained the *khilāfah* solely because he led the congregational prayers, as there is not a single *'illah* or substantive connection between leading prayers and being the *khalīfah* for all Muslims worldwide. Leading a prayer can be performed by anyone, including a slave or someone lacking expertise in matters of governance, wealth, jurisprudence, and military strategy. In contrast, the *khilāfah* can only be entrusted to a just *qurashi* individual who

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<sup>152</sup> Sahīh Muslim 2387



is well-versed in governance, wealth management, jurisprudence, and military strategy, among other essential attributes.

In essence, prayer is not related to the concept of 'imāmah al-kubrā, it is only defined as 'imāmah al-sughrā, this is what many of them concur on, 'Imāmah itself does also not entail leading prayers. So it is not permissible, according to the principles of qiyās, to establish an analogy that places 'imāmah as the foundational element and prayer as a mere derivative of 'imāmah. Such an argument lacks validity according to the methodologies advocated by any of the scholars.

Furthermore, Salim, the freed slave of Abī Ḥudhaifah, used to lead the most prominent among the *muhājirīn*, including 'Umar, during the Prophets time . However, it was not permissible for Salim to assume the role of *khalīfah*, even though he excelled in recitation of the Qur'ān. Similarly, individuals like Abū Dharr, Ubay Ibn Ka'b, Mu'ādh Ibn Jabal, Zayd Ibn Thābit, and Ibn Mas'ūd were consistently the most qualified to lead the congregation in prayer when they were present, except in the presence of an *amīr* or in the house with the owner present. This preference was based on their exceptional virtues and proficiency in Qur'ānic recitation. However, none of them were ever considered part of *ahl ul-khilāfah*, as that requires entirely different qualifications. Abū Dharr was also not even from *ahl ul-wilāyat* and also not from *ahl ul-iḍṭilā'*. The Prophet said to Abū Dharr, "O Abū Dharr, I perceive you as weak and I desire for you what I desire for myself. Do not govern even two individuals, and refrain from managing an orphans property." <sup>153</sup>

The Messenger of Allāh also designated Khālid Ibn Al-Walīd, 'Amr Ibn Al-'Āṣ, and Usāmah Ibn Zayd as an amīr while there were those that were better than them in, recitation of the Qur'ān, were earlier to migrate to Medina, knowledge of fiqh, and age. These are the conditions for leading prayers (imāmah) and are distinct from the criteria for leadership (imārah). The prerequisites for imārah encompass qualities like competency in governance (siyāsah), bravery in battle, kindness, absence of humiliation, justice, firmness without cruelty or violence, good moral character without extravagance, the ability to discern people's qualities in their behavior, patience, avoidance of sin, and knowledge of religious obligations. If individuals like 'Amr, Khālid, and Usāmah, who fulfill the conditions for

<sup>153</sup> Sahīh Muslim 1826

imārah, were present alongside Abū Dharr, even if they would not be 'Umarā' it would not be fitting for them to lead congregational prayers except for Abū Dharr. In cases where governance for peace and war is required, 'Amr, Khālid, and Usāmah are more qualified than Abū Dharr and Ubay. The evidence for this claim lies in the previous mentions, as the Prophet specifically selected Khālid, Usāmah, and 'Amr for certain responsibilities, not Abū Dharr or Ubay, despite the latter two being superior to 'Amr, Usāmah, and Khālid in virtue by a significant degree. During the Battle of Mu'tah, many of the notable leaders and noble Muslims were martyred, yet none could have led the imārah better than Khālid Ibn al-Walīd. So, it is without any doubt established that khilāfah is unrelated to the act of prayer. So it is without any doubt false to claim that Abū Bakr's khilāfah was determined through an analogy based on prayer.

If they say, "If the Prophet # had explicitly stated that Abū Bakr would be his successor, there would be no *ikhtilāf* afterward."

The answer: This is a very false and a weak claim which none other than the  $j\bar{a}hil$  says. By Allāh there is never  $ikhtil\bar{a}f$  in anything except over texts from Allāh and his Messenger, there is no  $ikhtil\bar{a}f$  over anything else. The claim the person makes is no different than if someone would say: It is not possible for there to ever exist  $ikhtil\bar{a}f$  among scholars of the ummah if there exists narrations on a topic. Any claim that the narration of the Prophet about  $istikhl\bar{a}f$  of Abū Bakr has ta im0 or that it is im0 salse with not a single evidence.

We previously mentioned the possibility that they may not have been aware or understood these matters, just as they differed on issues like inheritance for non-close relatives, witnesses for sales, the obligation of written contracts, division of *khumus*, distribution of *ṣadaqāt*, collection of *jizyah*, the manner of recitation in prayer, intentions for actions, fasting practices, criteria for *zakāh*, *mut'ah* during *ḥajj*, *qirān* and *faskh* for *ḥajj*, and numerous other issues, even though they have all based on clear texts. Just as disagreements arose regarding the *khilāfah*, they occurred in all these other matters as well, the existence of texts on issues does not imply the existence of a consensus of the *ummah*, while it is absolutely obligatory not to differ with the texts, it is still possible for differences to exist.

It is narrated on the authority of 'Abdullah said, "When the Prophet  $\stackrel{\text{def}}{=}$  passed away, the  $ans\bar{a}r$  said, 'Let there be an  $am\bar{\iota}r$  from among us and an amīr



from among you.' Then 'Umar came to them and said, 'Do you not know that the Messenger of Allāh commanded Abū Bakr to lead the people in prayer? Who among you could accept to put himself ahead of Abū Bakr?' They said, 'We seek refuge with Allāh from putting ourselves ahead of Abū Bakr.'" <sup>154</sup>

As previously clarified, there are no corresponding reasons (matching 'ilal') between prayer and khilāfah to make any possible qiyās between them. The view of 'Umar was mere Ra'ī. And 'Ubādah Ibn Al-Ṣāmit said, "We swore allegiance to Allāh's Messenger agreeing to hear and obey in time of difficulty and time of ease, in what we liked and what we disliked, to give way to others interests, not to dispute about government with those in power, and to say what was right wherever we were, not fearing for Allāh's sake what anyone who blamed us might say." 155

One of the wondering aspects of their use of *qiyās* is applying it to Abū Bakr's succession while claiming there are no explicit texts supporting it, yet they use *qiyās* based on leading the prayer, ignoring the direct narrations about the order of the Prophet # appointing Abū Bakr's as the khalīfah. It is also narrated that the Prophet said, "Follow the ones that will be after me: Abū Bakr and 'Umar." While they use this to argue for taglīd and the validity of what a companion utters, they do not use this for istkhlāf of Abū Bakr. If this narration were authentic, it would also imply Abū Bakr's as the khalīfah after the passing of the Prophet . Narrations that are of this quality, like the narrations about following the four rightly guided caliphs, or their sunnah, such narrations are about nothing other following what they narrate from the Messenger of Allāh, and obeying them as the khalīfah, absolutely nothing other than this. Their *sunnah*, is nothing other following the words and actions of Allāh and His Messenger alone. Their claim that succession is solely based on an analogy from prayer is false from every perspective. And All praise is due to Allāh, there is no power or strength except by Allāh. The Most High, the Most Great.

<sup>&</sup>lt;sup>154</sup> Sunan Al-Nasā'ī 777, 2/74

<sup>155</sup> Sahīh Muslim 1840



## Section: Regarding Abū Bakr Fighting *Ahl Ul- Riddah*

They say, "Abū Bakr fought *ahl ul-riddah* with all *ṣaḥābah* because of *qiyās* drawn from the one not performing the prayer. It is also narrated that Abū Bakr said, 'I will fight whoever makes a difference between *ṣalāh* and *zakāh*.' Abū Bakr used *qiyās* here for the two issues, making them the same in ruling; he did not say these two are the same because of that verse." Al-Āmidī said, "As for *ijmā*', it is the strongest evidence for *qiyās* and that is because *ṣaḥābah* all agreed on the *qiyās* Abū Bakr used, as it was an issue that occurred for which there is no texts for and no one ever rejected this *qiyās* from *ṣaḥābah*." <sup>156</sup>

The answer: The rebuttal to this claim is clear and exposes their false attribution and lies regarding Abū Bakr's stance. Allāh protected Abū Bakr from this misguidance, and their lies are as evident as the sun. Abū Bakr did not proclaim, "I will fight them because they differentiate between salāh and zakāh." Rather, he stated, "I will combat those who differentiate between salāh and zakāh by adhering to Allāh's command," as Allāh instructs in the verse, "Kill the polytheists wherever you find them and capture them and besiege them and sit in wait for them at every place of ambush. But if they repent, establish *ṣalāh*, and give *zakāh*, then let them have their way" [9:5]. Abū Bakr implemented this directive when he engaged in battle against them, not the false deduction from qiyās, which is not applicable in this case. Abū Bakr was correct in enforcing combat against those who differentiated between  $sal\bar{a}h$  and  $zak\bar{a}h$ , exactly as Allāh mandated equal treatment for both in the verse, fighting anyone who neglected either. There is no aṣl, far', or any 'illah making qiyās false in this scenario. It would be more appropriate for them to follow Abū Bakr by not making distinctions when there are clear nuṣūṣ. However, they persist in their methodology, with some even claiming

<sup>156</sup> Al-Iḥkām Fī Uṣūl Al-Aḥkām by Al-Āmidī 4/35

that  $zak\bar{a}h$  is valid without intention, while  $sal\bar{a}h$  is not valid without intention. They also argue that prayer is obligatory for a slave, but  $zak\bar{a}h$  is not obligatory for a rich slave. For other  $nus\bar{u}s$ , they manipulate classifications, labeling some as specific  $(makhs\bar{u}s)$ , others as general  $(um\bar{u}m)$ , some as obligatory, and some as recommended. Their varying views abound, revealing inconsistencies in their approach. The  $sah\bar{a}bah$  would contradict Abū Bakr's stance by referring to what the Prophet said: I have been commanded to fight people till they bear witness that there is none worthy of worship in truth except Allāh. If they do so their blood and property are granted protection from me except if it is taken with right, the accountability lies further with Allāh.

Those who use this *ḥadīth* overlook the Āyah we previously mentioned from Sūrah Al-Tawbah, verses al-Sayf. This verse was familiar to all *ṣaḥābah* as it was recited to the masses during Abū Bakr's *ḥajj* in the 9th year after *Hijrah*. Also both Abū Hurairah and Ibn 'Umar narrated directly from the Prophet the instruction to fight people until prayer is established and *zakāh* is given 157.

If it weren't for the verses in Al-Tawbah and the orders of the Prophet  $\stackrel{\text{\tiny def}}{=}$  to fight until people establish prayer and give  $zak\bar{a}h$ , the  $sahab{a}h$  would not have changed their previous view of only initiating a fight till the people testify to the oneness of Allāh only. However not everyone is familiar with all the narrations, except when reminded.

Abū Huraira recounted, "When the Prophet passed away and Abū Bakr became his successor and some of the Arabs reverted to disbelief, 'Umar said, 'O Abū Bakr! How can you fight these people when the Prophet said, 'I have been ordered to fight the people till they say, 'None has the right to be worshiped but Allāh, and whoever says, 'None has the right to be worshiped but Allāh. His life and property is protected from me, unless it is taken with right, and his account will be with Allāh." Abū Bakr said, 'By Allāh! I will fight whoever differentiates between salāh and zakāh as zakāh is a right to be taken from property. By Allāh! If they refuse to pay me even one young goat they used to pay to the Prophet I will fight with them for withholding it.' 'Umar said: 'By Allāh, It was nothing, except that I noticed that Allāh opened

<sup>&</sup>lt;sup>157</sup> Şaḥīḥ Al-Bukhārī 25



Abū Bakr's chest towards the decision to fight, so I realized that his decision was right."<sup>158</sup>

Ahl ul-qiyās use this story as evidence based on two ideas. First is that fighting the one that does not pray is a matter well established among  $sah\bar{a}bah$ . Second is that Abū Bakr did not know  $dal\bar{\imath}l$  from Qur'ān and sunnah that necessitates fighting the one withholding from paying the  $zak\bar{a}h$  and he only fought them with  $sah\bar{a}bah$  using the evidence that necessitates fighting the one not praying which does not cover the ruling for it for  $zak\bar{a}h$ , but he still used it for  $zak\bar{a}h$  as well because of l tib $\bar{a}r$  and moving the ruling.

The second idea is full of falsehood and the truth affirms the opposite. As for the saying of Abū Bakr, "I will fight whoever differentiates between *ṣalāh* and *zakāh*." Nothing indicates that he said that because of *qiyās*. Anyone knows that if someone says, "There is no difference between *ghusl* and *tayammum*." That he can mean nothing more than that it is possible to pray with both, even if both have very specific rulings to them. Knowing that the possibility of prayer with both is affirmed in Qurʿān and *sunnah*. And everyone can know by ease that if someone says regarding the *diyah*, "There is no difference between killing on purpose and on accident." That he only means that *diyah* is possible in both, that it is affirmed from the Qurʿān and *sunnah* and not because of *qiyās*, even if both types of killing have their specific rulings.

What affirms this further is that Abū Bakr said, "Zakāh is a right to be taken from property." This affirms that it was *istinbāṭ* from the *ḥadīth* 'Umar mentioned to Abū Bakr as in the *ḥadīth* 'Umar mentioned, "The Prophet said, 'His life and property is protected from me, unless it is taken with right, and his account will be with Allāh."

Ibn Ḥajar said, "Abū Bakr did not use  $qiy\bar{a}s$  as an evidence only for fighting those who withhold from paying it. Abū Bakr concluded it from the  $had\bar{\iota}th$  'Umar mentioned from the Prophet ," 'His life and property is protected from me, unless it is taken with right.' And Abū Bakr then said, ' $Zak\bar{a}h$  is a right to be taken from property.' In this story there is also evidence that some of sunnah can be unknown to some of the greatest  $s\bar{a}h\bar{a}bah$  and known by others. So Ra ' $\bar{\imath}$  is not looked into even if it seems strong when there is Qur' $\bar{a}n$  and sunnah available."

<sup>158</sup> Sahīh Al-Bukhārī 6526

<sup>159</sup> Fath al-Bārī 1/63

From what Ibn Ḥajar said it seems clear that he means that Abū Bakr used both  $qiy\bar{a}s$  and  $nus\bar{u}s$  at the same time, which is absolutely false. It is not possible to use both  $qiy\bar{a}s$  and  $nus\bar{u}s$  at the same time, which has become very clear now and will be even more clear from what will be discussed later, by the will of Allāh

And it is not possible to ever assume that al- $sidd\bar{t}q$  fought the people, shed blood because of the mere similarities he thought of between  $sal\bar{a}h$  and  $zak\bar{a}h$ . And also there is no difference between them and the one who says, "Since it is obligatory to fight the ones who do not pray, it is obligatory to fight those who delay performing hajj. And it is obligatory to fight the liars and talebearers and other sinners." If the matter would be  $qiy\bar{a}s$  then it is not possible to limit the  $qiy\bar{a}s$  to fighting the one withholding only and it must be used for many rulings between the two in other rulings such as if it is allowed not to pay  $zak\bar{a}h$  due to being poor or debt then  $sal\bar{a}h$  is also not performed due to sickness. Or since  $zak\bar{a}h$  is repeated often throughout the days and nights then some  $zak\bar{a}h$  must be given for every profit. And other rulings in the exact same manner. This is because of the conditions of  $qiy\bar{a}s$  which we have clarified in great detail, without these conditions it cannot ever be a  $qiy\bar{a}s$ .

They ask, "If Abū Bakr fought both those who did not pray and those who withheld from paying  $zak\bar{a}h$  because of  $nus\bar{u}s$  and not  $qiy\bar{a}s$ , then why did he not mention the  $nus\bar{u}s$  during his debate with 'Umar?"

The answer: As for him not directly mentioning the naṣṣṣ for the ruling of it, there is no difference in that claim and if we would say to them, "He also did not say that he believed that because of  $qiy\bar{a}s$ ." And there is also no difference in that claim and if we would say to them, "Abū Bakr also did not mention the direct naṣṣ on fighting those who do not pray and not even 'Umar mentioned it in the narration which  $qa'is\bar{u}n$  use." Instead everyone with the least amount of knowledge of  $aḥk\bar{a}m$  knows that fighting those who withhold from paying  $zak\bar{a}h$  is well established in  $nuṣ\bar{u}ṣ$  mentioning fighting those who do not pray also. And this can also be indicated as clarified before that this is exactly what Abū Bakr meant without any use of  $qiy\bar{a}s$ .

Allāh the Most Exalted says, "Kill the polytheists wherever you find them and capture them and besiege them and sit in wait for them at every place of ambush. But if they repent, establish  $sal\bar{a}h$ , and give  $zak\bar{a}h$ , then let them have their way" [9:5]. Allāh made repentance, entering Islām, performing the

prayers and paying  $zak\bar{a}h$  the reason to let people have their way. There is however no preventative that there can exist other reason to fight.

Ibn Kathīr also said that Abū Bakr al- $\dot{s}idd\bar{\imath}q$  only depended on the verse for fighting those who withhold from paying  $zak\bar{a}h$  and not for any  $qiy\bar{a}s$  and also not for any other reason. <sup>160</sup>

What affirms it even further is that the Prophet  $\stackrel{\text{\tiny def}}{=}$  also said, "I have been commanded to fight people until they testify that there is no true god except Allāh, and that Muḥammad is the Messenger of Allāh, and perform salah and pay salah. If they do so, they will have protection of their blood and property from me except when justified by Islām, and then account is left to Allāh."

It is also narrated from *turuq* that Abū Bakr did use the narration of the Prophet with the mention of not letting anyone have their way except if they pray and pay  $zak\bar{a}h$ , which is another certain evidence that ends all of their false claims. It is narrated from the authority of Anas Ibn Mālik said, "When the Prophet passed away, the Arabs apostated. 'Umar said:, 'How will you fight the Arabs?' Abū Bakr said, 'It is because the Prophet said, 'I have been commanded to fight people until they testify that there is no true god except Allāh, and that Muḥammad is the Messenger of Allāh, and perform  $\bar{s}al\bar{a}h$  and pay  $zak\bar{a}h$ . If they do so, they will have protection of their blood and property from me except when justified by Islām. By Allāh, if they withhold from me a young goat that they used to give to the Messenger of Allāh, I will fight them for it."  $^{162}$ 

What affirms it even further that Abū Bakr did use the verse is that Ibn Zayd attributed the verse, "But if they repent, establish  $sal\bar{a}h$ , and give  $zak\bar{a}h$ , then let them have their way" [9:5], to Abū Bakr. <sup>163</sup> So there remains not a single reason for  $qiy\bar{a}s$  in this matter from any possible way. And All praise is due to Allāh, there is no power or strength except by Allāh. The Most High, the Most Great.

<sup>160</sup> Tafsīr Ibn Kathīr 2/336

<sup>161</sup> Sahīh Al-Bukhārī 25

<sup>&</sup>lt;sup>162</sup> Sunan Al-Nasā ʿī 3969, 7/76 | Muntaqā Al-Akhbār 1/189 | Nayl Al-Awṭār 1/337 | Sunan Al-Dāraqutnī 2/89

<sup>&</sup>lt;sup>163</sup> Tafsīr Al-Tabarī Jāmi Al-Bayān 11/362



## Section: Regarding The *Ijmā* 'Of 'Uthmān Removing Six Of The *Aḥruf*

Some people have claimed that 'Uthmān removed six of the seven ahruf, that they had an  $ijm\bar{a}$ ' and that thereby there exists  $ijm\bar{a}$ ' on a saying other than the Qur'ān and Sunnah.

They say, "Zayd ibn Thābit witnessed the final review (al-'arḍah al-akhīrah)<sup>164</sup>, during which it was clarified what had been abrogated and what remained. He wrote it for the Messenger of Allāh and recited it to him. He continued teaching it to the people until his death. For this reason, Abū Bakr and 'Umar relied on him for the compilation of the Qur'ān, and 'Uthmān appointed him to oversee the writing of the official copies of the Qur'ān."

They also say, "When Ibn Mas'ūd was in Kūfah he changed his *qirā'ah* which he learned from the Prophet # for that of 'Uthmān. If the *muṣḥaf* of 'Uthmān encompassed that of ibn Mas'ūd then he would not have changed."

They also mention some narrations attributed to Muṣʿab ibn Saʿd<sup>165</sup>, Al-Zuhrī<sup>166</sup>, ʿAlqamah ibn Yazīd<sup>167</sup>, ibn Masʿūd<sup>168</sup> and Samurah<sup>169</sup>.

And they mention the saying of 'Uthman, "Write it in the tongue of Ouraysh." <sup>170</sup>

The answer: What is sufficient for all of this Is that 'Uthmān said, "I will not change anything from its place." <sup>171</sup>

<sup>&</sup>lt;sup>164</sup> Şaḥīḥ al-Bukhārī 4998 | Al-Sunan al-Kubrā 8201, 7/353

<sup>165</sup> Khalq Af'āl al-'Ibād pg. 86

<sup>166</sup> Sunan al-Tirmidhī 3104

<sup>&</sup>lt;sup>167</sup> Al-Masāhif by ibn Abī Dāwūd pg. 80-81

<sup>&</sup>lt;sup>168</sup> Al-Musannaf by ibn Abī Shaybah 30028, 6/127

<sup>&</sup>lt;sup>169</sup> Al-Mustadrak of al-Hākim 2904, 2/250

<sup>&</sup>lt;sup>170</sup> Sahīh al-Bukhārī 4987

<sup>171</sup> Sahīh al-Bukhārī 4530

Their claim that 'Uthmān removed six *aḥruf* from the seven that were revealed with the Qur'ān from Allāh and that there came into existence an  $ijm\bar{a}$ ' on that, is one of the most heinous lies ever claimed. 'Uthmān is protected by Allāh from apostasy after accepting Islām. Even those who hold grudges against 'Uthmān have never made such malicious claims. We do not disapprove of any of 'Uthmān's actions.

There is no difference between discarding a *qirā'ah* that Allāh revealed and discarding an verse revealed by Allāh. *Tallāhi*, whoever knowingly and purposefully allows this, despite its prohibition, has undoubtedly left Islām because it is a denial of Allāh's words. Allāh the Most exalted said, "Verily, We, it is We Who have sent down the *dhikr* (Qur'ān and *sunan*) and surely, We will guard it" [15:9].

And He said, "Indeed, upon Us is its collection [in your heart] and [to make possible] its recitation. And when We have recited it [through Gabriel], then follow its recitation. Then upon Us is its clarification [to you]" [75:17-19]. It is incumbent upon everyone to adhere to the recitations that Allāh revealed. Whoever permits reciting in other than the ahruf which Allāh revealed is without doubt  $k\bar{a}fir$  and whoever allows for other than the Prophet to abrogate the revelation is a  $k\bar{a}fir$ .

Every single aspect of the Qur'ān, from its letters, words, verses, to chapters, to its arrangement is  $wah\bar{\iota}$  ordained by Allāh. The manner in which the revelation came to the Prophet and how he conveyed it to others is established. It is impermissible for anyone to change the composition, altering the sequence of letters, words, verses, or chapters, either from later to earlier or vice versa.

'Uthmān was aware that no one during his time was immune from errors or misconceptions, and there were hypocrites among the people who outwardly appeared as Muslims but concealed disbelief. So, he only burned all the false copies made of the Qur'ān in the presence of the \$\sigma\bar{a}\bar{h}\bar{a}bah\$, and made correct copies. The purpose of this gathering was solely to compile the Qur'ān among the \$\sigma\bar{a}\bar{h}\bar{a}bah\$, and it did not involve any alterations to its recitation, nothing was decreased and nothing was added. Then, he distributed these \$mu\shafs\$ to every city of the Muslims, ensuring that any confusion regarding the different \$qir\bar{a}'\bar{a}t\$ would be resolved. If anyone in a city was unsure or deliberately trying to alter the letters or words, they could refer back to the authentic version. 'Uthmān's action was meant to remove any potential discrepancies and preserve the correct recitation of the Qur'ān. It is



impossible for 'Uthmān to have done what the ignorant assume. Islām spread from Raqqa to Khorasan, from Yemen to Azerbaijan, and there were more than one hundred thousand copies of the *muṣḥaf* in the possession of the Muslims. There was no city or village left without someone knowledgeable in the Qur'ān, teaching it and leading the prayers according to its recitation. The seven *aḥruf* were always preserved and protected, as they are part of the revelation, and Allāh Himself has promised to safeguard His message. The protection and preservation of Allāh's words are inviolable.

Not a single narration which they cling unto explicitly indicates that any of them abandoned, burned, declared false all of the *aḥruf* except one. All of those narrations go instead in accordance with what we said, that it was a correction of certain mistakes in writing only nothing else.

It is narrated on the authority of Ibn Al-Zubair, "I said to 'Uthmān Ibn 'Affān (while he was collecting the Qur'ān) regarding the verse, 'Those of you who die and leave wives...' [2.240] 'This Verse was abrogated by another verse. So why should you write it? (Or leave it in the Qur'ān)?' 'Uthmān said, 'O son of my brother! I will not change anything from its place.'"<sup>172</sup>

It is narrated on the authority of Anas Ibn Mālik, "Hudhaifa Ibn Al-Yamān went to 'Uthmān at the time when the people of Syria and the people of Iraq were waging war to conquer Armenia and Azerbaijan. Hudhaifa was afraid of their (the people of Syria and Iraq) differences in the recitation of the Qur'an, so he said to 'Uthman, 'O Amir ul-Mu'minin! Save this nation before they differ about the Book (Qur'an) as Jews and the Christians did before.' 'Uthman then sent a message to Hafsah saying, 'Send us the manuscripts of the Qur'an so that we may compile the Qur'anic materials in perfect copies and return those manuscripts to you.' Hafsah sent them to 'Uthmān. 'Uthmān then ordered Zaid Ibn Thābit, 'Abdullah Ibn Al-Zubair, Sa'īd Ibn Al-'Ās and Abdul Rahmān Ibn Al-Hārith Ibn Hisham to rewrite the manuscripts in perfect copies. 'Uthman said to the three Quraishi men, 'In case you disagree with Zaid Ibn Thabit on any point in the Qur'an, then write it in the Language of Quraish, as the Qur'an was revealed in their language.' They did so, and when they had written many copies, 'Uthman returned those original manuscripts to Ḥafṣah. 'Uthman then also sent to every Muslim province one copy of what they had copied, and ordered that all the other

<sup>&</sup>lt;sup>172</sup> Sahīh Al-Bukhārī 4530, 4/31



Qur'ānic materials, whether written in fragmentary manuscripts or whole copies, be burnt." <sup>173</sup>

These two narrations from 'Uthmān ensured the creation of perfect copies, emphasizing that it is forbidden to alter anything from the Qur'ān, including all  $qir\bar{a}$  ' $\bar{a}t$ , as they are an integral part of the Qur'ān itself.

Anything other than these two mentioned in the narrations was burned because they did not belong to the Qur'ān without any doubt.

It is narrated on the authority of Ubay Ibn Ka'b said said, "The Prophet was near the tank of Banū Ghifār, then Jibrīl came to him and said, 'Allāh has commanded you to recite to your people the Qur'ān with one harf.' Upon this he said, 'I ask from Allāh pardon and forgiveness. My people are not capable of doing it.' Jibrīl then came for the second time and said, 'Allāh has commanded you that you should recite the Qur'ān to your people in two harfs.' Upon this the Prophet again said, 'I seek pardon and forgiveness from Allāh, my people would not be able to do so.' Jibrīl then came for the third time and said, 'Allāh has commanded you to recite the Qur'ān to your people in three ahruf.' Upon this he said, 'I ask pardon and forgiveness from Allāh. My people would not be able to do it.' He then came to him for the fourth time and said, 'Allāh has commanded you to recite the Qur'ān to your people in seven aḥruf, and they are right in whichever ḥarf they recite [from the seven].""174

The purpose of the seven ahruf was to facilitate the recitation for people. So, anyone with even a modicum of comprehension understands that it would be false to abandon six of the ahruf and stick to only one, under the assumption that it was to cease difficulty. If this claim were true, it would contradict the words of the Prophet and go against Allāhs promise to preserve the Qur'ān. And it is rejecting the saying of the Prophet to the low amount of ahruf, "My people are not capable of doing it." So according to them 'Uthmān returned the matter to something the ummah could not bear again. And when the Prophet said that, "My people are not capable of doing it, for the low amount of ahruf till seven." Allāh did then not reject the saying of the Prophet and also not Jibrīl, then can those mujrimūn come and claim that they were able to? As according to them 'Uthmān returned the matter to what it was before. This is nothing but kufr and the one believing this is

<sup>&</sup>lt;sup>173</sup> Şaḥīḥ Al-Bukhārī 4987, 6/183

<sup>&</sup>lt;sup>174</sup> Sahīh Muslim 821, 1/562



without any doubt a *mushrik*. And Also, Allāh gave us those *aḥruf* as a *fāḍilah* to us, then those *mujrimūn* would have to claim that that *fāḍilah* has ended.

It is narrated on the authority of Anas Ibn Mālik, "The people differed over Qur'ān during the generation of 'Uthmān. This reached 'Uthmān, 'Uthmān said regarding it, 'They either attribute lies [regarding Qur'ān] or they differ regarding it. Those further away from me are most of those who lie and have grammar mistakes.' 'Uthmān then ordered the *ṣāḥābah* of the Prophet, "Come together and write for the people [the Qur'ān].' They then wrote it. When the *ṣāḥābah* would differ on an verse they would say, 'This is what the Prophet "recited to so-and-so.' They would then send that person a message (for confirmation), 'How did the Prophet "recite it to you?' The person would describe how the Prophet "recited it for him and they would write that.'" 175

This was the approach of 'Uthmān and the ṣāḥābah present, as they made copies of the *Maṣāḥif* and only burned what had been intentionally or accidentally altered, which includes that none of the preserved seven *aḥruf* were ever limited to one only. They were all preserved instead. And All praise is due to Allāh, there is no power or strength except by Allāh. The Most High, the Most Great.

<sup>&</sup>lt;sup>175</sup> Sharḥ Maʿānī Al-Āthār 3118, 8/132



# Section: Regarding a *Qurashī* Becoming The *Khalīfah* Of All Muslims If The Current *Imām* Of The Muslims Passes Away.

They say, "There is  $ijm\bar{a}$ ' of the ummah on an  $im\bar{a}m$  taking the  $khil\bar{a}fah$  if the current  $im\bar{a}m$  of the Muslims passes away or if there is no  $im\bar{a}m$ , while there is no  $nus\bar{u}s$  for this."

The answer: There is no evidence for them in this for  $qiy\bar{a}s$  because there are authentic  $nus\bar{u}s$  regarding the obligation of obedience to the Muslims in authority and there are authentic  $nus\bar{u}s$  from the Prophet beliging obedience to the a'immah and the obligation of giving bay'ah. And there is  $ijm\bar{a}$ ' of the entire  $ijm\bar{a}$ ' of the obligation to always have an  $im\bar{a}m$  if the next  $im\bar{a}m$  passes away. If that person fulfills the conditions to be an  $im\bar{a}m$  such as being a  $ijm\bar{a}m$  are all mentioned by the Prophet  $ijm\bar{a}m$ , whoever has those attributes of an  $iim\bar{a}m$  are all mentioned by the Prophet  $ijm\bar{a}m$ , whoever has those attributes then the Prophet ordered him to come forth and singling him out to carry out orders as long as he remains just from all of the  $ijm\bar{a}m$ . And there is not a single place for  $ijm\bar{a}m$  in this. And All praise is due to Allāh, there is no power or strength except by Allāh. The Most High, the Most Great.



#### Section: Regarding Menstruation And *Tayammum*.

They say, "The menstruating woman is only ordered to use *tayammum* if there is no water during a travel because if *qiyās* on the *junub*."

The answer: This is false and we seek refuge in Allāh that a menstruating women is ordered that because of  $qiy\bar{a}s$ . There is instead  $nus\bar{u}s$ , which is also what Allāh said when he ordered distancing from the menstruating woman till they are pure. Allāh said, "Therefore keep away from women during menses and go not unto them till they are purified (from menses and performed ghusl). And when they have purified themselves, then go in unto them as Allāh has ordained for you (go in unto them in any manner as long as it is in their vagina)" [2:222]. So Allāh ordered them to purify themselves in general and the Prophet  $\frac{1}{2}$  said, "The earth has been made for me a place of prostration and a means of purification."

And the earth is a means of purification the same way water is by  $nu\bar{y}\bar{u}\bar{y}$ . And it is known by  $ijm\bar{a}$  that earth is not used for tayammum for anything as long as there is water available, except the sick one, or who  $nu\bar{y}\bar{u}\bar{y}$  has made exceptions for. And the menstruating woman is made part of this by  $nu\bar{y}\bar{u}\bar{y}$  in that manner. Whoever makes a difference between menstruation and junub from it being allowed for the menstruating to recite Qur' $\bar{a}$ n and prohibited for the junub should know that he abandoned  $qiy\bar{a}s$ . And All praise is due to All $\bar{a}$ h, there is no power or strength except by All $\bar{a}$ h. The Most High, the Most Great.

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<sup>&</sup>lt;sup>176</sup> Sunan Al-Nasā'ī 736, 2/56



#### Section: Regarding Zakāh On Bisons.

They say, " $Zak\bar{a}h$  is obliging on bisons because there is  $zak\bar{a}h$  on obliging on cows, it is only obligatory for bisons because they are similar, and this is without any doubt  $qiy\bar{a}s$ ."

The answer: There are matters that can be similar and have the same ruling and also matters that are not similar and still get the same ruling, if it is according to the Arabic language. Bisons are types of cows from a language perspective, not from qiyās. When the obligation is narrated to pay zakāh on cows, then zakāh is obliging on all cows which includes Bisons from a language perspective. If this would not be the case then zakāh would not be obliging on Bisons at all, so the similarity has no value here. This is the same for al-bukht al-'Arabī, al-nujūb, al-maḥārī, and al-fawālij they are all called camels and types of camels. And also da'n (sheep) and  $m\bar{a}'iz$  (goat) they are both called ghanam (cattle). Some people said, "Bukht is the sheep type of a camel and a bison is the sheep type of cows." We have witnessed marīsiyyah donkeys, which are Egyptian donkeys, fajjālīn donkeys and muṣāmidah donkeys and clearly saw that these have more differences in them than the differences between a bison and a cow and other cows from its types, this invalidates the idea that rulings are only the same because of a similarity. And All praise is due to Allāh, there is no power or strength except by Allāh. The Most High, the Most Great.



## Section: Regarding The *Mīqāt* Of *Dhāt ʿIrq* For *Ḥajj*.

They say: 'Umar created the *mīqāt* of *dhāt* '*irq* because of *qiyās*.

The answer: Most of  $qa'is\bar{u}n$  themselves believe this was  $mans\bar{u}s$  from the Prophet  $\cong$  just as we do, and that it was not a matter related with  $qiy\bar{a}s$  or  $Ra'\bar{\iota}$ . The Messenger of Allāh said, "The place for the people of Madīnah to put on the iḥrām is  $dh\bar{u}$  al-ḥulaifah, and on the other road (Sham and Egypt) it is al-juhfah. For the people of Iraq it is  $dh\bar{a}tu'irq$ , for the people of Najd it is qarn, and for the people of the Yemen it is qarn."

It is also narrated on the authority of ' $\bar{A}$ 'isha, "The Prophet designated dhul-hulaifah as the  $m\bar{t}q\bar{a}t$  for the people of Madīnah, al-juhfah for the people Sham and Egypt, dhātu 'irq for the people Iraq, qarn for the people of Najd and yalamlam for the people of Yemen."  $^{178}$ 

Regarding this narration, Bashār 'Awwād Ma'rūf falsely claimed this narration weak. It is a false claim.

The narration is authentic, all its narrators are *thiqāt*, and it is fully connected, he falsely claimed like some that the addition of *dhātu'irq* alone mentioned in the narration was the mistake of Aflaḥ Ibn Ḥumayd Ibn Nāfi' and that everything else in the narration is authentic. This is a claim without any evidence, the *ziyadah* (addition) of a *thiqah* is always accepted. The narration is also authentic according to Muḥammad Al-Amīn Al-Shanqīṭī<sup>238</sup>, Al-Albānī <sup>179</sup>, Aḥmad Shākir, Ibn Ḥazm, Al-Ṣan'ānī<sup>180</sup>, Ibn Ḥajar<sup>181</sup>, Ibn

<sup>177</sup> Sahīh Muslim 1138

<sup>&</sup>lt;sup>178</sup> Sunan Al-Nasā'ī 2656 5/125

<sup>&</sup>lt;sup>238</sup> Adwā' Al-Bayān 5/348

<sup>&</sup>lt;sup>179</sup> Sahīh Sunan Al-Nasā'ī 2/563

<sup>&</sup>lt;sup>180</sup> Al-Tahbir Li Idah Maʿānī Al-Taysir 3/207

<sup>&</sup>lt;sup>181</sup> Fath al-Bārī 3/390

'Adī, Al-Nawawī, Al-Dhahabī, Abū Al-'Abbās Al-Qurṭubī, Al-'Irāqī<sup>182</sup>, Rif'at Ibn Fawzī 'Abd Al-Muṭṭalib<sup>183</sup>, Ibn Taymiyyah<sup>184</sup>, Al-Rafi'ī and others. <sup>185</sup>

The claim that Iraq did not exist back then, there is no value to that for anyone that has the least amount of comprehension, the Prophet also made the  $m\bar{t}q\bar{a}t$  in other narrations for which there is no disagreement on its authenticity, which where also not conquered, such as the  $m\bar{t}q\bar{a}t$  for Sham, the people of  $naw\bar{a}h\bar{t}$ .

Most hanafiyyah, hanabilah, shafi'iyyah, and Al-Ḥaṭṭāb among the  $m\bar{a}likiyyah$ , and 'Aṭā' Ibn Abī Rabāḥ from the salaf all also affirm that  $dh\bar{a}tu$  'irq is  $mans\bar{u}s$  and that it is not rooted from the  $qiy\bar{a}s$  or Ra'  $\bar{i}$  of anyone, and that it is from none other than the Prophet <sup>186</sup>.

They also claim, "It is also narrated that 'Umar made the  $m\bar{\imath}q\bar{a}t$  dhātu 'irq when a few people asked him for a  $m\bar{\imath}q\bar{a}t$  in Iraq." There is no evidence in any of that to assume that the Prophet did not make the  $m\bar{\imath}q\bar{a}t$  for Iraq. It is possible for people to forget a ruling or maybe they were not aware of it existing, this is something which applies for every ruling. The fact that the same issue is inquired to some companions and them giving an answer which is the same as what the Prophet did, does not indicate that the ruling only exists because of the companion. Even if it would ever be the case which it is not, that it is only from the actions of 'Umar we would not accept  $dh\bar{a}tu$  'irq as a  $m\bar{\imath}q\bar{a}t$ .

As for the claim that dhātu 'irq is based on a qiyās drawn from dhul-hulaifah is completely false and nothing of it makes sense. It is not known how this qiyās is concluded and what is used for it qiyās. The mawāqīt are all different. Dhū al-ḥulaifah is ten days away and al-juhfah is three days away. Qarn is about two days away. Yalamlam is one day away. It is not possible to conclude dhātu 'irq from qiyās from any of these as there is not a single 'illah matching between them. And All praise is due to Allāh, there is no power or strength except by Allāh. The Most High, the Most Great.

<sup>&</sup>lt;sup>182</sup> Al-Bahr Al-Thajjāj Fī Sharh Sahīh Muslim 22/136

<sup>&</sup>lt;sup>183</sup> Kitābah Al-Sunnah Fī 'Ahd Al-Nabī pg. 40

<sup>184</sup> Sharh 'Umdah Al-Figh 4/181

<sup>&</sup>lt;sup>185</sup> Fath al-Bārī 3/390

<sup>&</sup>lt;sup>186</sup> Al-Mawsūʻah Al-Fiqhiyyah 21/164



# Section: Regarding Considering Three Kilograms Of Barley To Be The Same As One And A Half Kilograms Of Wheat

It is narrated on the authority of Ibn 'Umar, "The Prophet  $\stackrel{\text{\tiny def}}{=}$  enjoined  $zak\bar{a}h$  of  $rama d\bar{a}n$ , three kilograms of dates or three kilograms of barley, so the people considered that equivalent to one and a half kilograms of wheat." They say, "So there is  $ijm\bar{a}$ ' on using  $qiy\bar{a}s$ ."

Their claim of unanimous agreement ( $ijm\bar{a}$ ) on using  $qiy\bar{a}s$  is false. They conveniently overlook the opposing views within their own schools, like the  $m\bar{a}likiyyah$  and  $sh\bar{a}fi$ 'iyyah, demonstrating their inconsistency. Anyone acknowledging this contradiction must realize they are upholding falsehood while opposing the truth.

It is from the wonders, to cite a matter as evidence while simultaneously opposing it. This is not an isolated instance; they have used this approach before. Abū Ḥanīfah, for instance, deduces a four-day option for  $khiy\bar{a}r$  (the option extended to one or more of the parties in a sales contract to rescind the sale, upon the appearance of a defect) based on  $qiy\bar{a}s$  from a narration where the Prophet  $\frac{2}{8}$  said, "If anyone buys a sheep whose udder has been tied up he has three days in which to decide whether to keep it or not; but if he returns it he must return with it three kilograms of any grain except wheat."

While the second part of the narration contradicts his other views. If asked if he accepts the second part of mentioned in this narration, he would say, "No." This inconsistency also extends to Mālik, his companions, like Ibn Al-Jahm and Ibn Abī Zayd, and many others who follow their methods. One example is their stance on breaking the vessels of *khamr* (intoxicants) based on narrations regarding burning the goods and spoils of individuals who lie

<sup>&</sup>lt;sup>187</sup> Sunan Al-Nasā'ī 2500, 5/46

<sup>188</sup> Sahīh Muslim 1524

about spoils. They use these narrations to justify breaking the vessels, yet simultaneously claim that it is not permissible to burn the goods—a glaring contradiction. Additionally, they claim that *mahr* (dower) cannot be less than three *dirhams* based on a narration suggesting it cannot be less than ten *dirhams* (even though this narration is weak).

As for the narration about Ibn 'Umar that the people considered three kilograms of barley to be the same one and a half kilograms of wheat, Ibn 'Umar who they narrate from himself is not pleased with that view and opposes it. Nāfi 'said, "'Abdullah Ibn 'Umar would always pay the *zakāt alfiṭr* in dates, except once he paid it in barley." <sup>189</sup>

Abū Mijlaz said to Ibn 'Umar, "Wheat is better than dates. Ibn 'Umar answered, 'I give for *zakāt al-fiṭr* the way my companions gave, they chose a way in the matter and I like to follow that as well."<sup>190</sup>

'Iyāḍ Ibn 'Abdillah said, "Abū Saʿīd was asked about *zakāt al-fiṭr* and Abū Saʿīd answered, 'I do not pay except for what I used to pay during the time of the Prophet , three kilograms of dates or three kilograms of barley, or three kilograms of raisins, or three kilograms of cheese.' He was then asked, 'What about one and a half kilograms of wheat?' He answered, 'No, that is what Muʿāwiyah went with. I do not accept it and do not act upon it."'<sup>191</sup>

Could it possibly get any worse than claiming an  $ijm\bar{a}$  on a saying, which Ibn 'Umar explicitly contradicts by stating that the  $sah\bar{a}bah$  followed a contrary stance? So, it is affirmed with absolute certainty, based on the statements of 'Ā'isha and Ibn 'Umar, when they mentioned the actions of the people, it was solely to illustrate what was practiced, while they themselves rejected it. This rejection was shared by many others as well. It is also false to claim it is because of  $qiy\bar{a}s$  while there are besides  $nus\bar{u}s$  many other methods to conclude rulings such as Ra' $\bar{i}$  and  $ihtiy\bar{a}t$  which was used by  $sah\bar{a}bah$ . We know with certainty that there was no  $qiy\bar{a}s$  used, because if that would be the case then they would apply the 'ilal to conclude more rulings on the topic of  $rib\bar{a}$  with the same method. But since we know with certainty that none of them ever did ta' $l\bar{i}l$  we know that it was all due to  $ihtiy\bar{a}t$  and not  $qiy\bar{a}s$ 

<sup>&</sup>lt;sup>189</sup> Muwatta Mālik 991, 2/404

<sup>&</sup>lt;sup>190</sup> Al-Amwāl of Ibn Zanjuwayh 2390, 3/249

<sup>&</sup>lt;sup>191</sup> Sharh Ma'ānī Al-Āthār 3110, 2/42

as there is no evidence for their claim. And All praise is due to Allāh, there is no power or strength except by Allāh. The Most High, the Most Great.



#### Section: Regarding The Ruling Of Muḍārabah

There is nothing about mudārabah which is qirād, related to qiyās, nor does this ruling which is either allowed, prohibited or obligatory imply the existence of a fourth source of evidence within the religion. mudārabah is one of the kinds of partnership contracts, it is called a sleeping partnership. It means that someone gives his money to another to trade it on his behalf on the condition that the latter receives a pre-established portion of the profit, like a half or a third, while loss is incurred by the investor alone. The partner providing money is called the investor (rabb ul-māl). And the partner actively running the business is called the managing partner (muḍārib). The money given is called a capital. One of the key conditions for a valid muḍārabah is that the capital is not guaranteed, and the financier does not specify a fixed amount; instead, they are entitled to a share of the profits as agreed upon between the parties. So, qirāḍ does not align with anything related to qiyās and in reality contradicts it, as it involves capital without a guarantee and lacks a specific amount for the financier, even in cases of false payment. This applies to all other claimed ijmā'āt on different issues. So the claim that these are based on qiyās is false and contradictory.

Sleeping partnership would occur in times of *jāhilīyyah*. *Quraysh* were people of trade; they had no income other than trade. The sick and ones unable to would give property to someone who actively does business with the capital. The Prophet acknowledged this in the times of Islām and all Muslims continued this act, there is no difference of opinion regarding this. The Prophet knew about it and never prohibited it. He himself would be the managing partner of Khadījah and Khadījah being the investor. here

There is clear evidence that the Prophet  $\stackrel{\text{\tiny def}}{=}$  elaborated on all obligations, permissibilities, and prohibitions in great detail. Everything agreed upon in the manner we described in the chapter cannot  $ijm\bar{a}$  cannot be except that it is

<sup>&</sup>lt;sup>192</sup> Sīrah Ibn Hishām 1/188



from the Prophet  $ext{@}$  without a doubt, providing absolute certainty. Since people can only reach  $ijm\bar{a}$  on matters aligned with  $shar\bar{\iota}'ah$  and supported by textual evidence  $(nus\bar{\iota}us)$ , it is evident that this  $ijm\bar{a}$  is not rooted in qisus. And in this case it is known by necessity that the Prophet  $ext{@}$  permitted  $mud\bar{a}rabah$ .

It must also be known that the people themselves hold differing views on  $qiy\bar{a}s$ , making it impossible for them to reach a consensus on a single Fiqh issue through  $qiy\bar{a}s$ .

The Prophet was also in the presence of many practicing  $qir\bar{a}d$  and from many of the topic of selling he never forbade  $qir\bar{a}d$ . This was very well known to be practiced and the Prophet never prohibited it. Those who claim this is  $qiy\bar{a}s$  with an  $ijm\bar{a}$  that has no nass are ignorant about other adherents of  $qiy\bar{a}s$  who acknowledge that  $qir\bar{a}d$  is against  $qiy\bar{a}s$ . Al-Kasani said regarding  $qir\bar{a}d$ , "For this issue we abandon  $qiy\bar{a}s$  and use instead the Qur'ān and sunnah."

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<sup>&</sup>lt;sup>193</sup> Al Badā'i' al-Sanā'i' 6/79



#### Section: Regarding The Ruling Of Ta 'zīr'

Regarding the  $ijm\bar{a}$  of applying ta ' $z\bar{t}r$  on the sinner. They say, "There is  $ijm\bar{a}$  on  $qiy\bar{a}s$  for which there is no nass for."

The answer: There is not a single indication for  $qiy\bar{a}s$  in ta  $\dot{z}\bar{\imath}r$ . We do not apply ta  $\dot{z}\bar{\imath}r$  except for the reason that it is from  $nus\bar{u}s$ , the Prophet said, "Not more than ten lashes is used except for  $hud\bar{u}d$ ."

As for imprisoning (sajn), it is only to stop him from harming others or stopping him from escaping a right he has to fulfill, while he is able to fulfill it only, not for any other reason. This can be concluded from the general verse, where Allāh, the Most Exalted said, "And cooperate in righteousness and piety, and do not cooperate in sin and aggression" [5:2]. He has a limit he cannot transgress and stopping him from the sin and transgression is obligatory. He must repent and perform the right he must fulfill or him passing away in it if it was by means of  $qis\bar{a}s$ , anyone that knows  $qiy\bar{a}s$  knows with certainty that none of this can be indicated with  $qiy\bar{a}s$ . This is only related regarding doing the best of one's ability to fulfill the obligations.

<sup>&</sup>lt;sup>194</sup> Şaḥīḥ Al-Bukhārī 6848, 8/174



#### Section: Regarding The *Ijmā* Of Facing The *Qiblah*

They say, "Qiyās is necessary when the qiblah is unknown."

The answer: This is false, there is no *qiyas* performed here and there is no order to perform qiyās, there is also no qiyās possible when facing the qiblah according to anyone that knows what qiyās is with all its conditions. This is related earlier to  $Ra'\bar{\imath}$ , not istihsān or qiyās, while it is not related to anything of that as well. Allāh says, "Wheresoever you are, turn your faces towards it (when you pray)" [2:150]. We determine the *qiblah*'s direction through indications, which some wrongly identify as qiyās. Discerning the qiblah's direction is entirely distinct from qiyās. There is no connection between determining the *qiblah*'s direction and *qiyās*, *Ra* 'ī, or *istiḥsān*. There is no absolutely no *qiyās* possible here, The person is also not burdened to know the Ra  $\bar{i}$  of every single person. He can face if he is unable to know, any direction. He also does not depend on their istihsan, he is not burdened to create new rulings because of the reason he does not know the qiblah. A person only does what he is able to. He is not burdened to move a far' to an asl. It is then known that getting to know the direction of the qiblah is not related to qiyas, Ra'ī and also not istihsan. The topic of facing the qiblah would only ever become *qiyās* if the *Ka bah* would ever be lost and that we then face bayt al-magdis based on qiyas from the Ka'bah because of the reason that it used to be the *qiblah* before, or to Madīnah. It would be *kufr* for anyone to believe anything from this. While this exact false view is akin to the one that says, "If exchanging wheat for wheat at a later date is prohibited, then exchanging figs for figs at a later date must also be prohibited." The only possible indication for getting to know the qiblah is knowing where stars appear and the sun or through a compass.



## Section: Regarding The Ruling Of *Zakāh* On Clothes

They say, "You do not oblige  $zak\bar{a}h$  on clothes because of a  $qiy\bar{a}s$  drawn from the reason that  $zak\bar{a}h$  is not obligatory on donkeys. Allāh the Most Exalted says, "Take sadaqah ( $zak\bar{a}h$ ) from their wealth" [9:103]. And Allāh says, "And give  $zak\bar{a}h$ " [2:43]. It is from your method to take these orders as general which you abandoned, these orders include clothes tradable commodities."

The answer: This is false, we never abandoned taking zakāh from the general. When Allah did not mention in the two verses the amount that is to be taken for zakāh and also not when it is supposed to be taken. It becomes not allowed for anyone to assume it is about a certain property and due on a certain time and at a certain date. Because he does not know how much is supposed to be taken or how less or from what it is supposed to be taken and on which day. He does not know if it is everyday, once a month or once a year, or once in a lifetime, this is a mujmal which required a mubayyan. This is the exact same with the verses obliging prayer. We clarified the reason for this in great detail in kitāb al-zakāh. So it becomes obligatory to seek clarification for that in other nusūs. And we can find that the Prophet said at hajjah al $wad\bar{a}$ , "Verily your blood and property are for each other forbidden," he said this after the following verse was revealed, "Establish the şalāh and give zakāh." With certainty it was also revealed after the verse, "Take şadaqah  $(zak\bar{a}h)$  from their wealth" [9:103]. With certainty from all Muslims because the two verses were revealed very early after hijrah. So it becomes obligatory not to take the wealth from any Muslim except if it is allowed through nuṣūṣ. And whatever the Prophet sordered to be taken for zakāh must be taken, as long as he does not say anything what exactly must be taken then it is not allowed to take any for anyone. With this it becomes invalid to take zakāh from clothes and also 'urūḍ al-tijārah. And the Prophet # also said, "There



is no  $zak\bar{a}h$  on other than (the word  $d\bar{u}na$  is used for "other than") five awsuq of habbu (wheat and barley) or dates (any)  $zak\bar{a}h$ ."<sup>195</sup>

Dūna in the Arabic language can mean, "Other than," and it can also mean, "Less than." Allāh the Most Exalted says, "And you have no protectors other than  $(d\bar{u}n)$  Allāh" [11:113]. So nothing is to be taken from anything other than dates, wheat and barley except what becomes additionally obliging through  $nus\bar{u}s$  on its obligation. If there is then ever a mention of  $zak\bar{a}h$  being obligatory on clothes specifically, then it must only be given once in a lifetime, except if that mention indicates that it must be anually. If there is additional clarification when it must be given and the amount of it then that is used as well, but none of this exists for clothes. There is  $ijm\bar{a}$ , that there is no zakāh due on clothes taken tor other than business. There is no difference according to anyone that there is no zakāh on it. As they are the ones that oblige *qiyās*, they must draw the *qiyās* for clothes from wheat, barley, dates, gold and silver as they are all dead, not alive. Qiyās of clothes drawn from gold, silver, wheat, barley and dates are more likely than a qiyās of clothes drawn from a donkey, donkeys are not more earlier to be used for qiyās for clothes than cattle and camels. Because clothes only come from the skins or plants or what is different such as silk which also comes from animals (bugs). A qiyās according to them must always be the most similar and must not have that which is more similar to it, if *qiyās* would ever be true. The correct *qiyās* here would be in that case a *qiyās* of clothes not used for business to clothes used for business. Similarly Al-Mālikiyyah oblige zakāh on the non-pasturing animals because of *qiyās* on the pasturing animals. They also say, "Silver and gold are combined for other than business, just as they are combined for business and between other 'urūd al-tijārah."

So know that this is absolutely unrelated to  $qiy\bar{a}s$ , the issues they mention here are more unrelated than every other topic we have clarified.

<sup>195</sup> Al-Jam' Bayna Al-Ṣaḥīḥayn 1466, 2/37



## Section: Regarding The Obligation Of *Zakāh* On Gold.

They say, "There is  $zak\bar{a}h$  on gold because of there being  $zak\bar{a}h$  on silver."

The answer: This is false just as the one before, because there is  $nu s\bar{u} s$  for the obligation of sak a on gold which is a right of Allah. This is very well known. The amounts of gold and when it is supposed to be paid are all mentioned by  $su s\bar{u} s$  and has not a single place for sak a s.

It is true that some weakened the amount for  $zak\bar{a}h$  that is due for gold, but we clarified the authenticity of that in the chapters of before. And also even if it would be weak then what some people have considered is  $aqallu\ ma\ q\bar{\imath}l$ , we do not validate that, but it is not because of  $qiy\bar{a}s$ .



## Section: Regarding The Ruling On Emancipating A Share In A Slave

The say, "You include the slave-girl as well in the ruling because of *qiyās*."

The answer: This is false because  $nu\bar{y}\bar{u}\bar{y}$  regarding this ruling have mention the word, " $maml\bar{u}k$ ," and this word in Arabic encompasses a male and female slave. The word 'Abd encompasses a certain type, while ' $ab\bar{u}d$  counts for both genders, because is either 'Abd or 'abdah according to ahl ullughah.



#### Section: Regarding The Ruling Of Muzāra 'ah

They say, "The Prophet said, 'Every condition that it not from the book of Allāh is false.' While you allow *musāqah* and *muzāra* ah for half of the produce, you could say that the permissibility for this is the actions of the Prophet at *khaybar*. But you allow other than receiving half of the produce, such as one third or one fourth, while the Prophet only received half of the produce and anything other than that is not mentioned by texts, so one third and one fourth only become permissible because of *qiyās* drawn from the permissibility of half."

Here is a matter that requires attention: Our companions prohibited *muzāra* 'ah (sharecropping) which is a partnership pertaining to farming land wherein the landlord hands over the land to someone to plant it in exchange for part of its harvest and produce. It is also called *mukhābarah* and it is also called *musāqah* which is to appoint someone to look after ones trees in return for a defined portion of its fruits.

One of the last actions of the Prophet before he passed away was giving land and getting half of its produce from crops, fruits and trees. Abū Bakr and the companions continued this act. It becomes then obligatory to specify out this as something permissible from the prohibition of renting out lands. And this permissibility is also the abrogator of what was prohibited previously from giving land to get some of its produced.

It is narrated on the authority of Ibn 'Umar said, "(My father) 'Umar Ibn Al-Khaṭṭāb deported the Jews and the Christians from the land of the hijāz and when the Prophet got supremacy over the people of khaybar he intended to expel the Jews from it, for when the land was conquered it belonged to Allāh, His Messenger and the Muslims. But the Jews asked the Prophet to leave them on condition that they should do all the cultivation and have half the produce, and he replied, 'We shall confirm you on that



condition as long as we wish,' So they were confirmed till 'Umar deported them during his period of rule to Taima and Jericho." <sup>196</sup>

We seek refuge in Allāh from ever allowing less than a half because of  $qiy\bar{a}s$ . What we say and follow is nothing but the texts and  $ijm\bar{a}$  of the ummah, without difference from anyone accepting a half and other divisions with certainty. There is  $nus\bar{u}s$  for the permissibility of half and  $ijm\bar{a}$  on divisions. We allow half of the produce and anything that is less than a half through nothing other than texts, because we know with certainty that if two people form an agreement on half of the produce that their agreement encompasses that which is one third and more, and that which is one fourth and more and that which is one fifth and more. Another certain evidence is that Allāh said, "And do not forget the graciousness (fadl) among you" [2:237]. So as the agreement on one half is permissible, then an agreement on everything less than that is a fadl. There is no doubt that a half consists of that which is less than that, it becomes then without any doubt permissible to have an agreement on less than a half. The Prophet also Himself gave one fourth, one third and other divisions, so this is all allowed.

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<sup>196</sup> Şahīh Muslim 1551



### Section: Regarding The Rulings Of *Mahr Al-Mithl*, *Damān* and *Nafaqāt*

They also say, "The rulings of giving value to destroyed items ( $dam\bar{a}n$  for  $mutlaf\bar{a}t$ ), a woman getting a dowry the amount of whom she is equal to at the time of her marriage in age, beauty, wealth, intellect, religion, from her sisters, aunts cousins, ( $mahr\ al-mithl$ ) and spending on the wife and relatives ( $nafaq\bar{a}t$ ), have all no  $nus\bar{u}s$  so it becomes obligatory to return to  $qiy\bar{a}s$ ."

The answer: Their claim has clear answers for their questions, know that every time anyone says, "So-and-so issue has no nass so we must use  $qiy\bar{a}s$ ," has himself invalidated  $qiy\bar{a}s$  because  $qiy\bar{a}s$  according to all of them, as we clarified in the chapter on the conditions of  $qiy\bar{a}s$  that  $qiy\bar{a}s$  must return to a nass which is the asl, otherwise it is not a  $qiy\bar{a}s$ .

So anyone that claims any issue, including this one that *qiyās* is a must because of "lacking *nuṣuṣ*," is a liar. We have instead clear general orders that encompass these rulings. Allāh says, "Then whoever transgresses the prohibition against you, you transgress likewise against him" [2:194]. And He says, "If you punish, then punish them with the like of that with which you were afflicted" [16:126]. Is there anything that is more clear than this? Is this not anything but clear texts regarding every single case in which any damaged property and the obligation of bringing that which is destroyed or to pay the value damaged? Then what meaning is there for a *qiyās* to oblige the value of destroyed clothes which is worth one hundred *dīnārs* on the one that destroyed it, to bring a similar one, and to pay its value if he cannot find a similar one.

There is not a single possible  $qiy\bar{a}s$  here at all. It is only following the general order to the best of one's ability which the Prophet as well ordered. As for  $mahr\ al$ -mithl it is as well from  $mus\bar{u}s$  of the Prophet.

It is narrated on the authority of 'Alqamah, "Ibn Mas'ūd was asked about a man who married a woman, but did not stipulate a *mahr* or consummate the marriage with her before he died. Ibn Mas'ūd said, 'She must have a *mahr* to woman who are similar to her, no less and no more; she has to observe the



'iddah, and she is entitled to inherit.' Ma'qil Ibn Sinān Al-Ashja'ī stood up and said, 'The Messenger of Allāh passed a similar judgment among us concerning Birwa' Bint Wāshiq.' And Ibn Mas'ūd rejoiced at that." <sup>197</sup>

As for spending on the wife, parents and relatives, the Prophet  $\cong$  obliged the man to spend and provide clothing on the wife, parents and relatives, this is very well known. It is sufficient to know that it all falls under the general order of cooperating in righteousness and piety, and not helping them when they are in need is cooperating in sin and aggression, this applies for any Muslim in general. Providing clothing, food, shelter are all part of it, not helping the any Muslim while they are hungry, naked, thirsty, cold is all munkar to neglect it is munkar and to continue to add on top of that  $isr\bar{a}f$  of ones own property is even worse. It is all opposite of  $ma'r\bar{u}f$ , righteousness and piety.

The Messenger of Allāh also said, "Begin with yourself and if there is anything left, give it to your family. If there is anything left after your family (has been taken care of), then give it to your relatives. If there is anything left after your relatives (have been taken care of), then (give it) to such and such (meaning that it should be distributed in front of him, on his right and on his left)." <sup>198</sup>

Allāh says, "And give the relative his right, and [also] the poor and the traveler, and do not spend wastefully" [17:26].

And Allāh says, "And do good to parents, kinsfolk, orphans, the poor, the neighbor who is near of kin, the neighbor who is a stranger, the companion by your side, the wayfarer (you meet), and those (slaves) whom your right hands possess" [4:36].

Allāh obliged the rights of the poor, wayfarer, kinsfolk to be fulfilled. He also obliged  $ihs\bar{a}n$  to parents, kinsfolk, the poor, the neighbor, and the slaves. And  $ihs\bar{a}n$  necessitates everything we mentioned and preventing from causing any harm to them. So there is no place for  $qiy\bar{a}s$  in any of what they mentioned and it is also unknown what is used for  $qiy\bar{a}s$ .

The exact same applies for the issue of *arsh*.

We only oblige Whatever is obliging from  $nu\bar{y}\bar{u}\bar{y}$  as long as it is not from  $nu\bar{y}\bar{u}\bar{y}$  it is not obliging and rejected and nor carried out. We do not find any  $nu\bar{y}\bar{u}\bar{y}$  to oblige any of this and also not that it can ever prohibit exchanging

<sup>&</sup>lt;sup>197</sup> Musnad Ahmad 18460, 30/406

<sup>198</sup> Sahīh Muslim 997



oak nuts for more oak nuts. These rulings would be indicated using  $i\hbar tiy\bar{a}t$  if texts would be absent instead of  $qiy\bar{a}s$ , while we reject both.



## Section: The Clarification For All *Fatāwa* And Narrations Of the *Ṣāḥābah*

It is now clear that there are no words of Allāh and His Messenger affirming anything of their method and that there is also no  $ijm\bar{a}$  on their method. And All praise if for Allāh, the Most Exalted. We will now, by the will of Allāh also clarify that not a single companion ever said anything affirming  $qiy\bar{a}s$  and that none of their words indicate anything from  $qiy\bar{a}s$ .



### Section: Regarding Ibn 'Abbās Considering Anything Other Than Food To Be The Same In Ruling As Food

It is narrated on the authority of 'Abbās, "The Messenger of Allāh said, 'Whoever buys food, let him not sell it until he has taken full possession of it." Ibn 'Abbās said, "I think everything [else] is like food (the same ruling as food)."<sup>199</sup>

The answer: It is false to claim  $qiy\bar{a}s$  to be the fourth source of evidence in the religion from this as many of  $ahl\ ul$ - $qiy\bar{a}s$  disbelieve in this narration. They do not agree that anything other than food must have the same ruling as food, a view held by Ibn 'Abbās himself. Instead, they believe that property other than food can be sold even without full possession, a saying also shared by the  $m\bar{a}likiyyah$ . Using a narration as evidence to support a contradictory stance is impossible. Moreover, Ibn 'Abbās did not express his view with absolute certainty regarding its correctness; he merely said that he thinks that it might apply similarly to things other than food. This aligns with our understanding that  $sah\bar{a}bah$  did not affirm absolute certainty or correctness when using  $Ra'\bar{i}$ , which is a widely acknowledged. Their  $Ra'\bar{i}$  were speculative and not affirmed as definitive rulings by themselves.  $Qiy\bar{a}s$ , as understood by its proponents, does not align with the approach Ibn 'Abbās mentioned in this narration. So it is evident that this narration has no relevance to  $qiy\bar{a}s$ .

And also the ruling Ibn 'Abbās thought was in reality already made general by  $nus\bar{u}s$  of the Prophet , so there remains not a single place for  $qiy\bar{a}s$ . It is narrated on the authority of Hākim Ibn Hizām said, "I asked the Prophet , 'O Messenger of Allāh, a man comes to me and wants me to sell him something which is not in my possession. Should I buy it for him from the market?' The Prophet replied, 'Do not sell what you do not

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<sup>199</sup> Sahīh Muslim 1525



possess.",200

The Prophet = made the ruling general, so it does not only apply for food. So anything other than food also applies to the ruling based from  $nus\bar{u}s$  of the Prophet = not due to any  $qiy\bar{a}s$ . There are other narrations only mentioning food, but that indicates no limit as there are authentic narrations making everything general.

If they say, "Perhaps he mentioned it without considering the  $nus\bar{u}s$  and because of that relied on  $qiy\bar{a}s$ ."

We counter: Firstly, it is inaccurate to deduce that if they were unaware of the  $nus\bar{u}s$ ,  $qiy\bar{a}s$  is the immediate alternative. There is no certain evidence for this assumption, especially since they themselves oppose it being  $qiy\bar{a}s$ . Secondly, Ibn 'Abbās did not affirm his saying with certainty, invalidating any claim he used  $qiy\bar{a}s$ . It is false not to affirm any aspect, as assuming that  $sah\bar{a}bah$  derived conclusions without a shred of evidence is false. The  $sah\bar{a}bah$ , being the most dedicated followers of  $ah\bar{a}d\bar{a}th$ , deserve to be acknowledged as such. It is false to assume that they disregarded a narration that aligned with their own saying and instead resorted to  $qiy\bar{a}s$ .

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<sup>&</sup>lt;sup>200</sup> Sunan Abī Dāwūd 3503



## Section: The View Of Ibn 'Abbās Regarding The Diyah Of Teeth And Fingers

In *al-muwaṭṭa'*, it is narrated that Marwān dispatched Abū Ghatfan to inquire of Ibn 'Abbās about the *diyah* for molar teeth. Ibn 'Abbās answered, "Five camels." Abū Ghatfan also inquired if the *diyah* for the front teeth is the same as the molar teeth. Ibn 'Abbās answered, "It is sufficient to consider (*I'tibār*) the fingers as the example for that, as their blood moneys are all the same.<sup>201</sup>

It is false to assume that Ibn 'Abbās used *qiyās* to declare the ruling of the teeth being all the same because of the *diyah* of the fingers being the same. Instead declaring from this the *qiyās* is closer to what actually happened here. Ibn 'Abbās narrated himself from the Prophet that the *diyah* for all teeth are the same and that the *diyah* for all teeth are the same. It is also narrated on the authority of Al-Sha'bī, "I was with Shuraih, and a man went to him, inquiring, 'Is the *diyah* for all fingers ten camels?' He answered, 'Exalted is Allāh! The pinky finger and the thumb are the same. Woe to you! Indeed, the *sunnah* has prohibited *qiyās*; adhere to it (the *sunnah*) and do not deviate!""<sup>202</sup>

There is no evidence for them in the narration of Ibn 'Abbās when he said, "Why did you not do I' $tib\bar{a}r$ , they are all the same, even if it is benefits differ." This is because he only intended to say, "Why did you not find clarity  $(bay\bar{a}n)$  for that in [what is known regarding] the fingers." Because ' $ib\bar{a}rah$  of a matter is what clarifies it (has  $bay\bar{a}n$ ). And that means, "Why did you not ascertain that differing of the benefits of a matter does not necessitate the differing of the diyah." He could also mean, "Why did you not reflect on the fingers and realize that differences in their benefits do not necessitate differences in the diyah, just as differences do not mandate differences in rulings, similar to teeth."

<sup>&</sup>lt;sup>201</sup> Muwaṭṭaʿ Mālik Riwāyah Yaḥyā 2498, 4/418

<sup>&</sup>lt;sup>202</sup> Al-Fikr Al-Sāmī Fī Tārīkh Figh Al-Islām 1/386

This is very clear from Ibn 'Abbās invalidating all  $qiy\bar{a}s$  and 'ilal that it should necessitate according to those who believe in  $qiy\bar{a}s$  similar rulings. Because they say, "The diyah is only a compensation for a damaged body part." Then they apply  $qiy\bar{a}s$  from the ruling of diyah on hearing to losing eyesight. Because of their benefits being equal. Ibn 'Abbās invalidated this and ordered them to return to the texts only and rejected making the fingers an asl and teeth a far' to be used for  $qiy\bar{a}s$ . And he also rejected making teeth an asl and the fingers to be a far' to be used for  $qiy\bar{a}s$ . He instead made them all the same as one. This is against  $qiy\bar{a}s$ . Because those who believe in it say:  $qiy\bar{a}s$  is only returning the far' to the asl. And there is no asl here and also no far'. As Authentic  $marf\bar{u}$ ' texts mention that all fingers are the same and that teeth are the same. So their falsehood of their claims has become very evident.

Ibn 'Abbās went with what was ordered the Prophet  $\stackrel{\text{def}}{=}$  only and never likened the rulings of fingers with the teeth made the ruling because of the fingers, he instead saw them all as the same as one in general which is exactly what is ordered by the Prophet  $\stackrel{\text{def}}{=}$ , "This and that are equal (meaning the little finger and the thumb). The *diyah* for the fingers and toes is the same, and that for the teeth is the same; the incisor and the molar teeth are the same, ten camels for each."

There is no evidence in any of this for *qiyās* as the fourth source of evidence in the religion. It is instead invalidating *ta 'līl* and *qiyās*. Because Marwān did *ta 'līl* that *diyah* is a compensation of the afflicted body part and that that necessitates the body part of the *diyah* to be greater. This is the same *ta 'līl* as *ahl ul-qiyās* in reality. Ibn 'Abbās indicated the falsehood of that and contradicted his view by saying that fingers have different values and that yet their *diyah* is the same, this is directly invalidating *'ilal* in reality and there is in invalidating *'ilal* also invalidation of *qiyās* as *qiyās* is only through an *'illah* so this narration invalidates *qiyās* without any doubt.

The certain evidence for that is that  $qiy\bar{a}s$  is with almost no difference only applying a ruling to which there is no  $nus\bar{u}s$  for because of a ruling which does have  $nus\bar{u}s$ . Or through a ruling which is differed over to a ruling which has  $ijm\bar{a}$ . And there is no  $ijm\bar{a}$  on fingers which can be used for  $qiy\bar{a}s$  to conclude the ruling on molar teeth.  $Ikhtil\bar{a}f$  is very apparent regarding this ruling. Ibn Al-Mūsāyyib said, "'Umar judged for the teeth in the front of the

<sup>&</sup>lt;sup>203</sup> Sunan Abī Dāwūd 4559



mouth each five eight year old camels) And for the molars one four year old camels."<sup>204</sup>

Sa'īd Ibn Al-Mūsāyyib said, "'Umar made the *diyah* for the thumb fifteen camels. The index finger and middle finger ten camels. The ring finger nine camels. And for the pinkie seven camels."

So it becomes false to claim  $ijm\bar{a}$  on the fingers to be used for  $qiy\bar{a}s$  for the teeth and molars.

There is instead *nuṣūṣ* from Ibn ʿAbbās narrating from the Prophet # that all fingers and teeth are the same as mentioned before, which is authentic without any doubt. It is also authentic according to Ibn Ḥazm, Al-Tirmidhī, Bashār ʿAwwād Maʿrūf, Al-Arnaʿūṭ, Al-Albānī, Samīr Ibn Amīr Al-Zuhrī and others.

What is earlier and more deserving to be said regarding the narration of Ibn 'Abbās is, " $Qiy\bar{a}s$  being invalid to be drawn for the diyah of the fingers is an 'ibrah' that raises the possibility for the falsehood of it also for the diyah of the teeth." This is the correct approach to the narrations and the correct  $I'tib\bar{a}r$  which goes along with all other narrations on the topic and also what is  $marf\bar{u}$ '.

 $<sup>^{204}</sup>$ Muṣannaf ʿAbd Al-Razzāq 17507, 9/347

<sup>&</sup>lt;sup>205</sup> Musannaf 'Abd Al-Razzāq 17698, 9/384



### Clarification: The Debate Of Ibn 'Abbās With Abū Hurairah

It is narrated on the authority of Ja'far Ibn Burqān, "Abū Hurairah used to perform  $wud\bar{u}$ ' [if he ate] what the fire had touched and that reached Ibn 'Abbās. Ibn 'Abbās sent a message to him, saying, 'If I were to use fat for my beard, would that invalidate my  $wud\bar{u}$ '?' Abū Hurairah replied, 'O son of my brother if you narrate  $ah\bar{a}d\bar{t}th$  from the Prophet \$\mathscr{\mathscr{\mathscr{m}}}{2}\$, do not set forth examples for them by arguing!"  $^{206}$ 

The answer: qiyās has no relevance in this matter. Ibn 'Abbās himself narrated regarding the Prophet ## that he would eat food touched by fire without performing  $wud\bar{u}$ . This narration from him is widely known. So Ibn 'Abbās did not abandon performing wudū' for food touched by fire due because of the reason fat does not invalidate wudū' rather, he followed the nuṣūṣ (direct sources). In reality he only questioned Abū Hurairah regarding the ruling of using fat in the narration to ascertain if  $wud\bar{u}$  is valid with fat or not. Both sāhābah had narrations on this topic. So, using qiyās to oppose the opposite view would be false and invalid. Both narrations stem from the *nuṣūṣ* of the Prophet, and most of them agree that as long as there are *nusūs*, all *qiyās* is deemed invalid and false. Ibn 'Abbās very clearly meant nothing more than to inquire if heated fat or boiled water invalidates the  $wud\bar{u}$ , this is only him asking to know, he did not ever say, "Because of the reason heated fat does not invalidate the  $wud\bar{u}$  it establishes that everything that is cooked does not invalidate the  $wud\bar{u}$ ," this would not be a qiyās but a mere utterance of falsehood.

When Abū Hurairah said, "Do not set forth examples if you are told of aḥādīth," it negates two aspects. Firstly, qiyās, as qiyās involves setting forth examples for the religion, which Allāh has not permitted. Abū Hurairah prohibited this. Secondly, it prohibits asking excessive questions, a practice

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<sup>&</sup>lt;sup>206</sup> Al-Muṣannaf by 'Abd Al-Razzāq 672, 1/174

also prohibited by the Prophet  $\stackrel{\text{\tiny def}}{=}$ . Since we know that the question was not related to  $qiy\bar{a}s$  and that both  $s\bar{a}h\bar{a}bah$  used narrations, the second aspect applies specifically to Ibn 'Abbās, while Abū Hurairah simultaneously prohibited  $qiy\bar{a}s$  entirely.

This narration is also found in a longer, authentic version, it is narrated on the authority of 'Abdullah Ibn Ibrāhīm Ibn Qāriz, "Abū Hurairah ate bits of cheese and then performed  $wud\bar{u}$ '. He remarked, 'Do you know why I performed  $wud\bar{u}$ '? It is because I ate bits of cheese. Ibn 'Abbās said to him, 'I do not care if you perform  $wud\bar{u}$ ' for that. I bear witness that I saw the Prophet eat meat that touched the fire and proceed to prayer without performing  $wud\bar{u}$ ' in between them.' Abū Hurairah said, 'And I heard the Prophet say, 'Perform  $wud\bar{u}$ ' if you eat what has touched the fire." Ibn 'Abbās inquired, 'O Abū Hurairah, shall we then perform  $wud\bar{u}$ ' for fat and hot water?' Abū Hurairah responded, 'O son of my brother, if you hear a  $had\bar{u}$ th from the Prophet, then do not apply examples to them.' Ibn 'Abbās asked, 'So should I perform  $wud\bar{u}$ ' for what you find  $hal\bar{u}$  in the book of Allāh, just because it touched the fire?' Abū Hurairah then collected pebbles and said, 'I bear witness, to the number of these pebbles, that the Prophet ordered, 'Perform  $wud\bar{u}$ ' after eating what has touched the fire.""

Anyone that understands the pillars and conditions of  $qiy\bar{a}s$ , knows with certainty that no  $qiy\bar{a}s$  was ever uttered here by Ibn 'Abbās. Because nothing of what he asked has any  $ittir\bar{a}d$  or a coherent 'illah. Because that which is prohibited in general does not imply the invalidity of the  $wud\bar{u}$ ' without any difference among them, the same for that which is allowed, as certain matters that are permissible invalidate the  $wud\bar{u}$ '. It becomes then clear that if these questions were meant as an argument that it would not have any relation to  $qiy\bar{a}s$  but mere Ra ' $\bar{\imath}$ , which did occur during the time of the companions.

We do however not find any rejection of Ibn 'Abbās to what Abū Hurairah said. If he would show rejection he would tell him have informed him that it is abrogated, since we know that he did not reject it, we know that he only asked to know the answers to his questions only without intending any  $qiy\bar{a}s$  or Ra ' $\bar{i}$  for it. And both of them also used  $ah\bar{a}d\bar{u}th$  of the Prophet  $\stackrel{\text{def}}{=}$ , which affirms with certainty that none of them believed what they believed because of any  $qiy\bar{a}s$  or Ra ' $\bar{i}$ . The adherents to  $qiy\bar{a}s$  concur that  $qiy\bar{a}s$  cannot

<sup>&</sup>lt;sup>207</sup> Al-Jāmi Al-Ṣaḥīḥ Li Al-Sunan Wal-Masānīd 23/375

invalidate  $nu\bar{s}u\bar{s}$  of the Prophet  $\stackrel{\text{def}}{=}$ . It is also known additionally to this that Ibn 'Abbās invalidated  $qiy\bar{a}s$  in other narrations which we will mention, by the will of Allāh. And Ibn 'Abbās also did not reject it when Abū Hurairah told him not to put forth examples for the narrations he is told about. Which is an order to abstain from  $qiy\bar{a}s$  and questioning.



## Section: Regarding Ma'mar And Sa'd Considering Wheat The Same As Barley

It is narrated on the authority of 'Abdullah Ibn Yazīd said, "Zayd ibn 'Ayyash said that he once asked Sa'd ibn Abī Waqqās about the sale of *bayḍā'* (wheat) for *sult* (barley). Sa'd asked him which was the better and when he told him *bayḍā'*, he forbade the transaction. Sa'd said, 'I heard the Prophet being asked about selling dried dates for fresh dates, and the Prophet said, 'Do the dates diminish in size when they become dry?" When he was told that they did, he forbade that."

It is narrated on the authority of Busr Ibn, "Saʿīd Maʿmar Ibn ʿAbdullah said, 'I sent my slave with three kilograms of wheat and said to him, 'Sell it, and then buy with it barley." The slave went away and he got three kilograms of barley and about another three kilograms on top of that. When he came to Maʿmar he informed him about that, whereupon Maʿmar said to him, 'Why did you do that? Go back and return that, and do not accept but weight, for weight, for I used to hear the Prophet say, 'Food (may be sold) for food, of same quantities only'. He (one of the narrators) said, 'Our food in those days consisted of barley.' It was said to him (Maʿmar) that (wheat) is not like that (barley). He replied, 'I am afraid that they are similar.'"<sup>209</sup>

They say, "Sa'd Ibn Abī Waqqās prohibited selling bayḍā' (wheat) for sult (sult is a type of sha'īr, which is barley). And Ibn 'Abbās included anything other than food for the prohibition of selling food before taken full possession of it, do you make them from those who lie upon Allāh?"

They also say, "Why did Sa'd consider wheat and barley to be the same as one, while the Prophet allowed selling wheat for more barley.

They also say, "Ma'mar assumed barley to be the same because of wheat."

<sup>&</sup>lt;sup>208</sup> Muwaṭṭaʿ Mālik 2312, 4/901

<sup>&</sup>lt;sup>209</sup> Al-Jam' Bayna Al-Sahīhayn 3067, 3/510



The answer: That is not because of  $qiy\bar{a}s$ , There is a valid reason according to us for their view, and that is that it is narrated about both Sa'd and 'Abd Al-Raḥmān Ibn Al-Aswad that when the fodder of their donkey ran out, he ordered his two slaves to take hintah (also wheat) and to buy with that  $sha'\bar{i}r$  (barley) and not to take except in equal weight and equal quantity. They only wanted to take what their donkey is able to carry each day so they prevented exchange except with the exact same amount, because it would else lead to delaying receiving it fully leading to a debt sale by delaying  $(nas\bar{i}'ah)$  which is prohibited, so he ordered his slaves not to take any more. So it was only due to the prohibition of  $nas\bar{i}'ah$  not anything other than that.<sup>210</sup>

There is  $ijm\bar{a}$  of the ummah that a delayed sale of wheat for barley is prohibited.<sup>211</sup>

Another reason why this cannot indicate any *qiyās* in any possible way is because there is no doubt that anyone with the least amount of intellect can comprehend that there is no similarity between wheat and barley except that it is food. There are many differences between wheat and barley, wheat grains are larger and wider compared to barley grains. Barley grains are more elongated and have a thicker husk than wheat grains. Wheat belongs to the Triticum genus, while barley belongs to the Hordeum genus. Wheat is commonly used to make bread, pasta, noodles, and pastries due to its gluten content. Barley is used as animal fodder, in soups, stews, and as a key ingredient in brewing beer and whisky. If barley would be the same as wheat because of a similarity which is what *qiyās* is, then spelt and rye would be more deserving to be made similar, because they are more similar to wheat than barley is to wheat. As they are only similar under the aspect of food, this similarity that it is food is also found in dates, so it defeats any purpose of qiyās. We know then with certainty that the only reason Sa'd mentioned this narration is because the Prophet  $\stackrel{\text{\tiny{de}}}{=}$  made  $rib\bar{a}$  for all types of dates whether it is fresh or dried and concluded it to be all the same type. Sa'd made in this same manner wheat and barley one type. Not because of *qiyās* but because of ihtiyat that both of them might mean the exact same thing, just as dry and fresh dates are both the exact same type. The reason that it cannot be  $qiy\bar{a}s$  is because there are no 'ilal similar between wheat barley and dates and if it would be the case that it was because of 'ilal the same ruling which means

<sup>&</sup>lt;sup>210</sup> Al-Musannaf by 'Abd Al-Razzāg 14190, 8/33

<sup>&</sup>lt;sup>211</sup> Marātib al-Ijmā 'pg. 404

that it is the same ruling because of *qiyās*. Sa'd would not only make wheat and barley from the same type but also every single other food that would share that same '*illah*. But we know with certainty that Sa'd and no one from *ahl ul-qiyās* ever did that and we also know with certainty that there is no '*ilal* between them and that Sa'd because of that in reality invalidated *qiyās*. So we also know then with certainty that Sa'd only made them the same type because of *iḥtiyaṭ* them to be the same, just as dry dates and fresh dates are also dates not something other than dates.<sup>212</sup>

There is also no evidence in them for any of this as it is all instead only because of precaution (*iḥtiyāṭ*) from Maʿmar Ibn ʿAbdullah, not him obliging anything and not affirming any certainty. The reason for that is because Maʿmar only said that he is afraid it to be similar and never affirmed certainty for the similarity. And also the *ḥanafiyyah* and *shāfi ʾiyyah* do not believe in any of this as they allow the sale of wheat for more barley. There is no argument for anyone that opposes some of what he tries to use as an argument, especially as a source of evidence in the religion.

As for us, we only the mention the views of  $sah\bar{a}bah$ , while we only in the obligation of following the Prophet for two reasons only with no third to it: Firstly so that a  $j\bar{a}hil$  does not claim  $ijm\bar{a}$  and for us to show him his false claims. And that there is no  $ijm\bar{a}$  whatsoever on  $qiy\bar{a}s$  or any other. And secondly if anyone uses the views of  $sah\bar{a}bah$  or anyone other than the Prophet, we show them, contradicting the views of other  $sah\bar{a}bah$  and that the  $sah\bar{a}bah$  at many times disagrees and opposes the one using their view for other matters, to show them that they oppose those who they view in of itself as an hujjah which is false without no doubt.

There is also no difference in assuming all these views they mention to be from Ra  $\bar{\imath}$  and  $ihtiy\bar{a}t$  earlier than because of  $qiy\bar{a}s$  as there is no evidence that it is from any of the three specifically, so affirming that for Sa d an Ma mar is false. What confirms that some of  $\bar{s}ah\bar{a}bah$  did  $ihtiy\bar{a}t$  for this issue is because Ma mar said regarding wheat and barley, "I am afraid they are similar," they never affirmed the ruling ever, or obliged the people into it. None of them ever transgressed to the point like qa  $is\bar{u}n$  where they all claim different ilal for ilal and prohibit selling oak nuts for more oak nuts and rice for more rice and many other matters.

<sup>&</sup>lt;sup>212</sup> Al-Tamhīd 12/143

As for Ibn 'Abbās included anything other than food for the prohibition of selling food, we clarified that in great detail before. And as for the narration about the sale of dried dates with fresh dates, we have also clarified it in detail before.



#### Section: Regarding The Inquiry Of Abū Saʿīd

It is narrated on the authority of Abū Nadrah, "I asked Ibn 'Umar and Ibn 'Abbās about sarf (conversion) of gold with gold, they did not find any harm in that. I was sitting in the company of 'Abd Sa'īd Al-Khudrī and asked him about this exchange, and he said, 'Whatever is addition is ribā.' I refused to accept it on account of the statement of Ibn 'Abbas and Ibn 'Umar. He said, 'I am not narrating to you except what I heard from the Prophet . "There came to him the owner of a date-palm with three kilograms of dried dates, and the dates of the Prophet said to him, 'Where did you get these dates?' I said, 'I went with six kilograms and exchanged that for three kilograms of dates, because the prices in so and so are so and so and the price of that market is so and so.' The Prophet said, 'Woe to you! You have dealt in  $rib\bar{a}$ , when you want to do it (the sale of dates for more or less dates), you must [first] sell your dates for another currency and then with the help of that currency buy the dates you like.' Abū Sa'īd said, 'Is the sale of dates for more or less dates more deserving to be  $rib\bar{a}$  or is it the sale of silver for silver?' I subsequently went to Ibn 'Umar and he prohibited me from that sale, but I did not go to Ibn 'Abbās. He (the narrator) said, 'Abū Al-Ṣahbā' narrated to me, 'He asked Ibn 'Abbās in Makkah, and he too prohibited it."",213

The answer: This is not  $qiy\bar{a}s$  because the prohibition of selling silver for more and less silver comes from  $nus\bar{u}s$  of the Prophet. The Prophet said, "Do not sell gold for gold or silver for silver unless both are of equal weight."

And the Prophet said, Gold is to be paid for by gold, silver by silver, wheat by wheat, barley by barley, dates by dates, salt by salt, like by like,

<sup>&</sup>lt;sup>213</sup> Şaḥīḥ Muslim 1595

<sup>&</sup>lt;sup>214</sup> Sahīh Muslim 1584



payment being made hand to hand. He who made an addition to it, or asked for an addition, in fact dealt in usury. The receiver and the giver are equally guilty."<sup>215</sup>

It is impossible for Saʿīd to know the prohibition of the Prophet  $\stackrel{\text{def}}{=}$  of selling silver for silver except in equal weight and then look in to  $qiy\bar{a}s$ . So this has then nothing to do with  $qiy\bar{a}s$  at all. Because  $qiy\bar{a}s$  is according to those who believe in it, to apply a ruling to which there is no  $nus\bar{u}s$  for similar to a ruling which there is  $nus\bar{u}s$  for. So Saʿīd was aware about the  $nus\bar{u}s$  of selling silver for silver, and was also aware of the ruling of selling dates for dates, so it becomes false to claim that one of them is only had their view based from a  $qiy\bar{a}s$  drawn of the other, since he was aware of both rulings and also was aware that it is from the Prophet  $\stackrel{\text{def}}{=}$ . If they say, "Why did Saʿīd then say that?"

The answer: We do not doubt Abū Naḍrah likely altered Abū Saʿīd's words, omitting crucial meanings. The same way he did in the initial part of the <code>hadīth</code>, when he said, "I asked Ibn 'Umar and Ibn 'Abbās about <code>sarf</code> of gold with gold but they did not find any harm in that." This is doubtful. Because there is no harm according to anyone from the <code>ummah</code> in <code>ṣarf</code>, if it is according to <code>nuṣūṣ</code>, not having any <code>tafāḍul</code> (difference in weight), and that <code>tafāḍul</code> is possible in the sale of silver for gold. So this is doubtful from Abū Naḍrah, and he did the same for Abū Saʿīd, there is no other possibility at all. As it is not possible for those who are more <code>thiqah</code> than Abū Naḍrah to narrate from Abū Saʿīd that heard from the Prophet himself prohibiting <code>tafāḍul</code> silver for silver and that it is <code>ribā</code>, and then that Abū Saʿīd still does not depend on the prohibition because of that, except by a <code>qiyās</code> drawn from the prohibition of selling dates for dates with <code>tafāḍul</code>. It is impossible for anyone possessing even a modicum of intellect to accept such a claim.

And all of *ahl ul-qiyās* do not even view such  $qiy\bar{a}s$  to be ever valid as well as they are all  $man \bar{y}\bar{u}\bar{y}$ . There is also no '*ilal* whatsoever ever similar between dates and silver. So, every contention has been thoroughly addressed, and all praise is due to Allāh.

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<sup>&</sup>lt;sup>215</sup> Al-Jāmi Al-Sahīh 33/463



# Section: Regarding The *Ḥadd* Of Consuming *Khamr*

Abū Bakr, 'Umar, 'Uthmān, 'Alī, Al-Ḥasan Ibn 'Alī, 'Abdullah Ibn Jaʿfar, and all the ṣāḥābah in their presence, Aḥmad, Dāwūd, Abū Thawr, Al-Shāfiʿī and a group from shāfiʾiyyah all concur on applying forty lashes on the one consuming khamr, which is the truth. We intend to clarify this truth comprehensively, by the will of Allāh, and that it is not allowed for anyone to ever oppose this. On the other hand, adherents of the ḥanafi, māliki, and ḥanbali madhab believe in eighty lashes, they claim these eighty lashes are because of qiyās and that there is ijmā' on this qiyās. <sup>216</sup> We will provide an extensive rebuttal to this perspective, elucidating its fallacy in great detail, by the will of Allāh.

As for all narrations mentioned on the topic.

It is narrated on the authority of 'Ikrimah, "'Umar sought advise from the people on the *ḥadd* of consuming *khamr*. 'Umar said to them, 'The people have consumed *khamr* and raved.' 'Alī said to 'Umar, 'If someone becomes drunk he raves and if he raves he does *firyah*.' Make his *ḥadd*, the *ḥadd* of *firyah* (the *ḥadd* of *qadhf*, which is a complete other *ḥadd*).' So

'Umar made his hadd firyah of eighty lashes." 217

This narration is weak because it is *mursal*, 'Ikrimah never met 'Alī and also not 'Umar. The *irsāl* in this narration is very evident, this is also the view of Ibn Ḥazm, Aḥmad Shākir, Shu 'ayb Al-Arna 'ūṭ, 'Abd Al-'Azīz Al-Ṭurayfī, Al-Albānī and many others.<sup>218</sup>

It is narrated on the authority of Thawr Ibn Zayd Al-D $\bar{\imath}$ l $\bar{\imath}$ , "Umar sought advice from the people regarding the *hadd* of *khamr*. 'Al $\bar{\imath}$  said to him, 'We

<sup>&</sup>lt;sup>216</sup> Al-Mawsūʻah Al-Fiqhiyyah 15/246

<sup>&</sup>lt;sup>217</sup> Al-Muşannaf by 'Abd Al-Razzāq 13542, 7/377

<sup>&</sup>lt;sup>218</sup> Silsilah Al-Ahādīth Al-Da'īfah 2108, 5/126



view the *ḥadd* of him to be eighty, because if he consumes it, he becomes drunk, and if he becomes drunk he raves and if he raves he tells false lies.'
'Umar then lashed him eighty times."<sup>219</sup>

This is weak because it is munqati', there is no difference among anyone that Thawr Ibn Zayd al-Dīlī is from the followers of the  $t\bar{a}bi$ ' $\bar{i}n$  who never met 'Umar.<sup>220</sup>

It is narrated on the authority of 'Āmir Al-Sha'bī, "'Umar sought advise about the *ḥadd* of *khamr*. 'Abd Al-Raḥmān Ibn 'Awf said to him, 'This man lied about Qur'ān, he must be lashed eighty times.' So they made eighty lashes a *sunnah*."<sup>221</sup>

This is weak, the  $irs\bar{a}l$  in this is very apparent, Al-Shaʿbī never met ʿUmar, no one ever opposed this. This is also the view of Aḥmad Shākir, Ibn Ḥazm and many others.<sup>222</sup>

It is narrated on the authority of 'Abd al-Raḥmān Al-Sulamī said, "'Alī said, 'A group of people from Syria consumed *khamr* that day they were with Yazīd Ibn Abī Sufyān, they said, 'It is *ḥalāl*.' They made *ta'wīl* of the verse, 'Those who believe and do righteous good deeds, there is no sin on them for what they ate (in the past)' [5:93].' He sent a message about them to 'Umar. 'Umar told them to sent them to him before they spread corruption. When they arrived at 'Umar. 'Umar sought advise about them to the people. They said, 'O *amīr ul-mu'minīn* we think they have lied about Allāh and ordained as a religion Allāh has not permitted, strike their necks.' 'Alī was silent. 'Umar said, 'What do you think O Abū Al-Ḥasan?' He said, 'I think that you should ask them to repent, if they repent they get eighty lashes for consuming *khamr*. If they do not repent then strike their necks off as they lied about Allāh and ordained for themselves a religion which Allāh has not permitted.' 'Umar then asked them to repent and they repented and then lashed them eighty times."<sup>223</sup>

This is the *mawṣūl isnād* from ʿAbd Al-Raḥmān Al-Sulamī from Al-Ṭaḥāwī mentioned by al-Ḥākim. Al-Dhahabī, Al-Ḥākim, Al-Dhahabī and Aḥmad Shākir declared as authentic, but the reality is that it is weak which is also the view of Abū Ḥātim, Ibn Ḥazm, Muḥammad Ṣubḥī Ibn Ḥasan

<sup>&</sup>lt;sup>219</sup> Muwatta Mālik 3117, 5/234

<sup>&</sup>lt;sup>220</sup> Al-Badr Al-Munīr Fī Takhrīj Al-Ahādīth 8/716

<sup>&</sup>lt;sup>221</sup> Jam' Al-Jawāmi' 16/576,

<sup>&</sup>lt;sup>222</sup> Irwā Al-Ghalīl 2643, 8/268

<sup>&</sup>lt;sup>223</sup> Sharh Ma'ānī Al-Āthār 4899 3/154

Ḥallāq, Al-Ṣanʿānī, Saʿd Al-Shathrī, Al-Fasʿawī, ʿAbd Al-Raḥmān al-Shuqīr and others. Because ʿAṭāʾ suffered from memory impairment. And Ibn Fuḍail is from those who narrated from ʿAṭāʾ Ibn Al-Sāʿib after he suffered from memory impairment (*ikhtilāṭ*).<sup>224</sup> This is also the same way narrated from Muḥārib Ibn Dithār and that one is *mursal* also.

It is narrated on the authority of Ibn 'Abbās said, "Those who drank khamr used to be beaten during the lifetime of the Prophet with the hand and shoes and sticks till he passed away. During the khilāfah of Abū Bakr there were more drinking than during the lifetime of the Prophet. Abū Bakr said, 'We should make a hadd for them similar to the beating during the lifetime of the Prophet . \*\* Abū Bakr lashed forty times till he passed away. 'Umar after him also lashed forty times till a man came from the *muhājirīn* and when 'Umar was about to order him to be lashed, the man said, 'Do not lash me between me and you is the book of Allāh.' 'Umar said, 'In which book of Allāh did you find that you should not be lashed?' The man said, 'Allāh says in his book, 'Those who believe and do righteous good deeds, there is no sin on them for what they ate (in the past)' [5:93]. I am from those who believe and do righteous deeds. I was with the Prophet at [the battle of] badr, uhud, khandag and others.' 'Umar said to those present, 'Are you not going to reply to what he said?" Ibn 'Abbās said, "That verse was revealed as an excuse for those of the past and is a hujjah against those mukallaf after the verse. The excuse is for those before the verse was revealed when it was all not prohibited. Allah says, 'O believers! Intoxicants, gambling, idols, and drawing lots for decisions are all evil of Satans handiwork. So shun them so you may be successful' [5:90]. 'Umar said, 'You (Ibn 'Abbās) spoke the truth. What do you think should be done with them?' 'Alī said, 'If someone becomes drunk he raves and if he raves he tells false lies. Make his hadd firvah.' So 'Umar made his hadd, the hadd of firvah (the hadd slandering chaste men/women) of eighty lashes."225

We say: This is weak, all *turuq* from this narration include Yaḥyā Ibn Fulaiḥ Ibn Sulaymān and he is weak, there is not enough known about him to affirm his credibility as a narrator, Ibn Hajar is the only one that mentioned a

 $^{224}$  Al-Jarḥ Wal-Taʿdīl 6/334 | Tahdhīb Al-Kamāl 20/92 | Al-Musnad Al-Muṣannaf Al-Muʿallal 23/345, 10518 | Al-Maʿrifah Wal-Tārīkh 3/84

 $<sup>^{225}</sup>$  Al-Sunan Al-Kubrā 5269, 5/137 | Al-Mustadrak ʿAlā Al-Ṣaḥīḥayn 8132, 4/417 | Sunan Al-Dāraquṭnī 4/211, 3344



tarjamah of him with not enough information. It is earlier concluded that he is weak than credible. He is declared weak by Al-Nasā'ī<sup>226</sup>, Abū Ḥātim<sup>227</sup>, Yaḥyā Ibn Ma'īn<sup>228</sup>, 'Alī Ibn Al-Madīnī<sup>229</sup>, Abū Aḥmad Al-Ḥākim<sup>230</sup>, Abū Dāwūd Al-Sijistani<sup>231</sup>, he is also declared weak by Ibn Ḥazm, Khālid Ibn DayfAllāh<sup>232</sup> Sa'd Ibn 'Abdullah Āla Ḥumayyid<sup>293</sup>, and others. The narration is also declared weak by Ibn Ḥazm, Al-Ṣan'ānī<sup>234</sup>, and others.

It is narrated on the authority of Ibn Wabarah Al-Kalbī, "Khālid Ibn Al-Walīd sent me to 'Umar. When I arrived at him he was with 'Uthmān, 'Abd Al-Raḥmān Ibn 'Awf, 'Alī, Ṭalḥā and Zubair they were leaning in the *masjid*. I said to them, 'Khālid Ibn Al-Walīd sent me to you, to tell you, 'The people got heavily engaged in consuming *khamr* and argue about its punishment.' 'Alī said, 'If someone becomes drunk he raves and if he raves he tells false lies, make his *ḥadd firyah* of eighty lashes.' 'Umar said, 'Let your companion carry this out.' So Khālid lashed eighty times. The lashing of 'Umar was also eighty. When 'Umar saw a weak drunk man he would lash him forty times. When he would come across someone heavily engaged in *khamr* he would lash him eighty times, he used to lash both forty and eighty times."

We say: Its *isnād* is weak. Ibn Wabarah is *majhūl* and there exists absolutely no case of anyone ever calling him a *thiqah* and no one ever affirmed his credibility, he is *majhūl* and there exists no *tarjamah* about him. Ibn Ḥajar claimed that there he wrote a *tarjamah* about him in Tahdhīb al-Tahdhīb, but the *tarjamah* does not exist in any of his books and no one wrote anything ever about him. Al-Albānī also declared him *majhūl*.<sup>236</sup> This narration is also weak according to Ibn Ḥazm, Al-Albānī, Al-Ṣanʿānī, ʿAbd Al-Raḥmān al-Shuqīr, and others.

<sup>&</sup>lt;sup>226</sup> Tahdhīb Al-Kamāl 23/317 | Tahdhīb Al-Tahdhīb 3/403

<sup>&</sup>lt;sup>227</sup> Al-Jarh Wal-Ta'dīl 7/84

<sup>&</sup>lt;sup>228</sup> Al-Kamil Fī Al-Du'afā' 7/144

<sup>&</sup>lt;sup>229</sup> Tahdhīb Al-Tahdhīb 3/403

<sup>&</sup>lt;sup>230</sup> Tahdhīb Al-Tahdhīb 3/403

<sup>&</sup>lt;sup>231</sup> Tahdhīb Al-Kamāl 23/317

<sup>&</sup>lt;sup>232</sup> Tibyān Fī Takhrīj Wa Tabwīb Ahādīth Bulūgh Al-Marām 494, 5/342 | 298, 4/150

<sup>&</sup>lt;sup>293</sup> Al-I 'tisām 2/371

<sup>&</sup>lt;sup>233</sup> Ijābah al-Sā'il Sharh Bughyah Al-Āmil pg. 173

<sup>&</sup>lt;sup>234</sup> Irwā Al-Ghalīl 2378, 8/47

<sup>&</sup>lt;sup>235</sup> Sunan Al-Dāragutnī 3321, 4/196

<sup>&</sup>lt;sup>236</sup> Irwāʻ Al-Ghalīl 7/111

It is narrated from Usāmah Ibn Zayd, that Al-Zuhrī said, "'Abd al-Raḥmān Ibn Azhar said to us, 'I saw the Prophet <sup>28</sup> go around the people asking them about the house of Khālid Ibn Al-Walīd. Then a drunk person came and the Prophet <sup>28</sup> ordered those around him to beat and him cast dust on him. After his time Abū Bakr ordered forty lashes on the drunk one and after his time 'Umar ordered forty lashes.'"<sup>237</sup>

We say: There is in this *isnād* specific mention that Al-Zuhrī heard from 'Abd Al-Raḥmān Ibn Azhar, but Usāmah Ibn Zayd was wrong, he had *tawahhum* (delusive imagination, meaning imagining something that has not yet happened). Aḥmad may Allāh have mercy on him said very clearly that Al-Zuhrī did not hear from 'Abd Al-Raḥmān Ibn Azhar, Abū Zur'ah, Abū Ḥātim and al-Dāraquṭnī all also said that Al-Zuhrī never heard from 'Abd Al-Raḥmān Ibn Azhar.<sup>238</sup>

These narrations, which they attempt to use as evidence, can be dissected into three key aspects: First, that the additional lashing is justified by firyah (qadhf). Second, establishing that the additional lashing is a mandatory hadd punishment. Third, attribution of the cause of this hadd to 'Alī, suggesting it is because they will rave and then engage in firyah (qadhf). All of these aspects only stem from the previously mentioned narrations, all their  $as\bar{a}n\bar{i}d$  are weak as clarified before.

There are only other authentic narrations on this subject that make no mention of any of these aspects, and those narrations affirm our view.

Even if they use any of those weak narrations clarified before would ever be authentic, it would still not be a conclusive evidence for their position. This is due to the fact that these narrations also mention Abū Bakr implementing forty lashes as the *hadd* for *khamr*. If it were permissible for 'Umar to arbitrarily increase this number, it would imply follow that those succeeding 'Umar could alter it once more, so changing the *hadd* initially established by 'Umar, or even reduce it, all without any distinction.

If Abū Bakr's enactment of the forty-lash *hadd* for *khamr* in the presence of all the *ṣaḥābah*, including 'Umar and numerous others, is not a certain evidence, then 'Umar's decision to increase it to eighty lashes, in the presence of a smaller gathering of *ṣaḥābah* with many having already passed away, is even less likely to be regarded as convincing evidence.

<sup>&</sup>lt;sup>237</sup> Musnad Al-Bazzār 3454, 8/377

<sup>&</sup>lt;sup>238</sup> Al-Musnad Al-Musannaf Al-Mu'allal 8976, 19/376 | Irwā' Al-Ghalīl 8/46



Their false claim of an  $ijm\bar{a}$  on eighty lashes contradicts and permits the contradiction of the actual consensus on forty lashes. So anyone who denies the existence of a consensus on forty lashes, a consensus that Abū Bakr enforced in front of all the  $sah\bar{a}bah$ , while affirming the fabricated message of 'Umar to Abū Mūsā Al-Ash' arī as a consensus, has deviated from the truth.

And there is clear mention that 'Umar did not make the number eighty an obligatory hadd punishment for khamr. This can be clearly deduced from the authentic narrations on the topic, while all the narrations we have mentioned so far are weak. It is evident that 'Umar only added lashing beyond forty as ta ' $z\bar{t}r$ , as indicated in the narrations we have mentioned, where he lashed someone heavily engaged in khamr eighty times, whereas he would lash the weaker offenders forty times.

And also, 'Uthmān was known to administer both forty and eighty lashes. It is self-evident to anyone with a modicum of intellect that if eighty lashes were obligatory, there would be no room for altering the punishment by increasing or decreasing it, as no one ever decreased it lower than forty. So, these narrations do not support their position; rather, they contradict it, even if these narrations were ever to be deemed authentic.

Allāh has protected 'Alī and other companions from this false attribution, which is replete with flaws, for several reasons. Among them is the fact that it is impermissible for any Muslim to believe that 'Umar and 'Alī could legislate in Islām the Qur'ān and *sunnah*.

And in the narrations we have mentioned, both 'Umar and 'Alī rejected those who did not believe in the prescribed punishment (hadd) and accused them of establishing a religion that Allāh had not sanctioned. It is impossible for 'Alī to reject those who establish an unauthorized religion while simultaneously endorsing an unauthorized religion himself. No one with even a modicum of intellect would accept this. There is also no difference between increasing the lashes for the hadd of khamr and increasing or decreasing the lashes for the hadd of zinā, modifying the rak'ahs of the dhuhr prayer, or instituting or abolishing prayers other than the five daily prayers and jumu'ah. The same applies to introducing a hadd for engaging in ribā, all of which are acts of disbelief to alter.

What is widely known, with authentic chains of transmission, is that 'Alī administered forty lashes to Al-Walīd Ibn 'Uqbah when he consumed *khamr* during the *khilāfah* of 'Uthmān. So there is no doubt that 'Alī viewed the *ḥadd* punishment as forty lashes, not eighty. He considered any punishment beyond

forty lashes as ta  $\dot{z}\bar{\imath}r$ . This narration clearly invalidates their false beliefs. It is essential to recognize that not everyone who consumes khamr becomes intoxicated; a small dosage may not lead to drunkenness, yet the hadd punishment still applies. Similarly, not all individuals who are intoxicated necessarily engage in falsehoods; some remain silent, engage in remembrance of Allāh, ponder the hereafter, cry, and make supplications. So, not all individuals who rave necessarily tell false lies.

Even a *mubarsam* (someone afflicted by a mental disorder causing hallucinations) may rave without uttering falsehoods. It is crucial to note that not everyone who tells false lies is subject to a *hadd* punishment. Individuals who are asleep or those suffering from insanity may also tell false lies, yet they are not liable for *hadd* punishment. So it is evident and well-understood that the statements attributed to 'Alī are unrelated to *hudūd* (prescribed punishments). 'Alī was well aware and applied the *hadd* punishment as forty lashes, reserving any additional punishment for *ta'zīr*, provided these narrations attributing to him statements about drunkenness, raving, and falsehoods are authentic. It is indisputable that these statements attributed to 'Alī are falsehoods as established before, and they contradict the established principles of rulings, and anyone well-versed in 'Alī's *fiqh* knows this

What is even more false on their part is their claim that, "hudūd are not applied if it is doubtful." Ironically, they themselves apply hudūd punishments based on the most uncertain of doubts, claiming that anyone who consumes khamr should be lashed eighty times because it's possible they raved and engaged in qadhf.

There is no greater absurdity than imposing the *ḥadd* punishment for *qadhf* on someone who consumes *khamr* merely out of the "fear" that they might engage in *qadhf*, especially when there is no evidence of any actual *qadhf*.

Furthermore, if it were indeed the case that the *ḥadd* punishment for consuming *khamr* is always tied to *qadhf*, then where is the *ḥadd* punishment for *khamr* itself? And if the *ḥadd* punishment is attributed to *khamr*, then where is the *ḥadd* punishment for *qadhf*? It is not permissible for anyone to diminish or neglect a *ḥadd* punishment because of another unrelated offense.

And also if they were to follow these weak narrations attributed to 'Alī, they would obligate upon themselves to apply severe penalties. For instance, if anyone becomes intoxicated and subsequently raves, according to their method, they would need to execute him for apostasy. Likewise, if an



individual who consumed *khamr* became drunk and then committed *zinā*, they would be obliged to stone or lash him. If someone who consumed *khamr* became drunk and subsequently stole, they would be required to amputate his hand. Or if a person consumed *khamr*, became intoxicated, raved, and in the process damaged property, they would have to apply all these penalties. Failure to do so would indicate a departure from their own methodology and the abandonment of applying eighty lashes. We say with absolute certainty that this fabricated *hadd* punishment is a false attribution to 'Alī, a statement he never made.

'Abd al-Raḥmān Ibn 'Awf is also entirely free to ever claim that a drunk man who lied about the Qur'ān should receive "eighty lashes." This is utterly impossible; how could anyone lie about Allāh or the Qur'ān and then be liable for only eighty lashes? The punishment of eighty lashes for *firyah* is reserved solely for *qadhf* of *zinā* (slandering someone of having committed *zinā*). If *ahl ul-qiyās* mistakenly believe these narrations to be authentic, then they should uniformly prescribe eighty lashes for anyone who lies about anything, including lying about someone committing *kufr*, making false accusations (*tuhmah*), theft, or falsehoods related to the Qur'ān and Allāh. However, they neither express such beliefs nor act accordingly. It is evident that they disbelieve in the authenticity of these narrations; they selectively used them as the foundation of their false methodology while abandoning the principle of *qiyās* in these matters, recognizing the falsehood that would result from endorsing them.

As for the authentic narrations on the topic.

It is narrated on the authority of Anas said, "A man who had consumed *khamr* was brought to the Prophet , so lashes him forty times with two palm branches. Abū Bakr did similarly [during his *khilāfah*], and at the time 'Umar became *khalīfah* he sought advise from the people. 'Abd Al-Raḥmān Ibn 'Awf said to him, 'The lightest penalty is eighty lashes, so 'Umar ordered that.'"<sup>239</sup>. So it is well-established that any punishment other than forty lashes is considered *ta* 'zīr.

It is narrated on the authority of 'Ubayd Ibn 'Umair, "The one that would consume *khamr* would be beaten with hands and shoes. That is the manner it happened during the lifetime of the Prophet and also the lifetime of Abū Bakr. And also during some of the time of the *khilāfah* of 'Umar. 'Umar then

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<sup>&</sup>lt;sup>239</sup> Sunan Al-Tirmidhī 1443

became afraid that they would become drunk and then lashed them forty times, when he saw that they would not stop he lashed them sixty times and if they still would not stop he lashes them eighty times, he then said, 'This is the lightest punishment.'"<sup>240</sup>

It is narrated on the authority of 'Aṭā' Ibn Abī Marwān, "My father said, 'Al-Najāshī came to 'Alī while he consumed *khamr* during *ramaḍān*. He then lashed him eighty times and ordered him to be imprisoned, he then took him out the next day and then lashed him twenty times and said to him, 'I only lashed you twenty times for breaking the fast during the daytime and for sinning.""<sup>241</sup>

It is narrated on the authority of 'Umair Ibn Sa'īd, "'Alī Ibn Abī Ṭālib said, 'If I were to carry out the prescribed *ḥadd* on a man, and he died as a result, it would not trouble me, except in the case of one who drank *khamr* (intoxicants). In such a situation, if the person died, I would pay the *diyah* to his family, because the Prophet did not specify a particular its number (besides forty), it is only something we made up by argument."

It is narrated on the authority of Hudain Ibn Al-Mundhir Abū Sāsān, "I saw that Walīd was brought to Uthmān Ibn 'Affān as he had prayed two rak'ahs of the ṣubḥ (obligatory fajr) prayer, and then he said, 'Should I increase for you the prayer?' But then two men bore witness (against Walīd). One of them was Humran who said that he had drunk *khamr*. The second one gave a witness that he had seen him vomiting. 'Uthmān said, 'He would not have vomited *khamr* unless he had drunk it.' He said, ''Alī, stand up and lash him.' 'Alī said, 'Ḥasan, stand up and lash him.' Thereupon Ḥasan said, 'Let him suffer the heat (of the *khilāfah*) who has enjoyed its coolness (meaning let 'Uthmān and his judges carry it out).' 'Alī said, 'O 'Abdullah Ibn Ja'far, stand up and lash him, and he began to lash him and 'Alī counted the lashes until it became forty.' 'Alī said, 'Stop now, the Prophet weed forty lashes, and Abū Bakr also used forty lashes, and 'Umar used eighty lashes, and all these are from the *sunnah*, but forty lashes are dearest to me."'<sup>243</sup>

These narrations clearly affirm our stance, which is that anything beyond the forty lashes implemented by 'Umar was only because of ta ' $z\bar{\imath}r$ '. At times,

<sup>&</sup>lt;sup>240</sup> Al-Muşannaf by 'Abd Al-Razzāq 1354, 7/377

<sup>&</sup>lt;sup>241</sup> Sharh Maʿānī Al-Āthār 4895, 3/153

<sup>&</sup>lt;sup>242</sup> Musnad Ahmad 1084, 2/328

<sup>&</sup>lt;sup>243</sup> Musnad Ahmad 2/395, 1229



he added an extra twenty lashes, and on occasion, forty more. 'Alī and Ibn Mas'ūd occasionally ordered an additional sixty lashes. 'Alī made it abundantly clear that the Prophet  $\stackrel{\text{\tiny{def}}}{=}$  never prescribed anything beyond forty lashes for hadd; those who hold a contrary belief reject the established  $\bar{a}th\bar{a}r$ .

During 'Uthmān's *khilāfah*, in the presence of Al-Ḥasan, 'Abdullah Ibn Ja'far, and other ṣāḥābah, 'Alī consistently ordered and executed only forty lashes.

'Umar and 'Abd Al-Raḥmān stated that when the narrations mention the lightest punishment, it is certain that the base punishment is forty lashes, and anything beyond that is ta ' $z\bar{\imath}r$ . So they administered the least severe form of ta ' $z\bar{\imath}r$ , neither obligating more nor less, as such variations are inherent to ta ' $z\bar{\imath}r$ .

If there were no *mursal* or weak narrations indicating that the Prophet lashed eighty times, then anyone claiming, "The *ḥadd* punishment for *khamr* is eighty lashes," would apostate. Those who consider these weak narrations as authentic would be excused for their *ijtihād*, and their error would be rewarded with one reward.

Those who persistently attribute the eighty lashes solely to 'Umar tend to overlook the fact that he augmented it by forty as a form of ta ' $z\bar{\imath}r$ , and the same applies to others who followed suit. Subsequently, they consider these eighty lashes as an obligatory, fixed *hadd* punishment. So they are implied to oblige the burning of the houses of those who sell *khamr* based on 'Umar's actions. Safiyyah Bint Abī 'Ubaid said, "'Umar found in the house of Ruwaishid Al-Thaqafi *khamr* and burned his house, 'Umar said to him, 'What is your name?' He said, 'Ruwaishid.' 'Umar said, 'You are *fuwaisiq* (*tasghīr* form of a *fāsiq* (sinner).'"<sup>244</sup>

If they say, "'Umar stated that he would no longer enforce *taghrīb* (expelling those who drink *khamr* to another city)."

We affirm: After implementing the punishment of eighty lashes for those drinking *khamr*, 'Umar later reduced the lashes to forty and sixty for such offenders.<sup>245</sup> According to their method, they would also have to administer eighty lashes to those who favor 'Alī over Abū Bakr or 'Umar, and likewise

 $<sup>^{244}\,</sup>Al\text{-}Muṣannaf$  by 'Abd Al-Razzāq 10051, 7/76

<sup>&</sup>lt;sup>245</sup> Al-Muṣannaf by 'Abd Al-Razzāq 13541 7/377



to those who prefer 'Umar over Abū Bakr. This is because both 'Umar and 'Alī expressed this ruling in the presence of *şaḥābah*.<sup>246</sup>

From what we have mentioned it is established that there was no  $ijm\bar{a}$  as they claim of eighty lashes after the Prophet  $\cong$  ordered it to be forty during his lifetime. It is further more clear that 'Umar used to lash more than forty because of ta ' $z\bar{\imath}r$ .

According to their claim that eighty lashes would be *ijmā*, it would mean that 'Uthmān, 'Alī, Abū Ja'far, Al-Hasan, and their followers all opposed this  $ijm\bar{a}$ . Accusing the  $sah\bar{a}bah$  of opposing  $ijm\bar{a}$  would imply that they committed disbelief. However, we firmly believe that the sahābah are free from disbelief, and they would never oppose the truth or invent laws that Allāh has not ordained. If they say, "Then why did he say that eighty lashes is sunnah?" The answer is that it is acknowledged by anyone that ta 'zīr is indeed part of the *sunnah*. If they say, "But  $Ta'z\bar{\imath}r$  should not exceed ten lashes according to you," the answer is it is possible that 'Umar might have chosen to apply ta 'zīr for every cup of khamr consumed, which is a valid practice. We must not ever assume that they fabricated a ruling when there are various possibilities within the sunnah, while they are the most deserving to follow those options. As for 'Alī's other statement that there is no lashing for the one drinking khamr, he did in reality affirm a punishment for it, what he only meant was that whatever is besides forty is not part of the hadd the Prophet sobliged on the one consuming *khamr*. It is clear that 'Umar was the first to implement eighty lashes, while previously, it was forty lashes, and attributing an opposition to 'Umar is false.

Al-Ṣanʿānī, in response to their arguments claiming a consensus (*ijmā*') on applying eighty lashes based on *qiyās*, remarks, "The narrations attributed to ʿAlī are all weak, and it is highly questionable whether it can ever be understood as eighty lashes. What is attributed to ʿAlī, where he supposedly said, 'If someone becomes drunk, he raves, and if he raves, he engages in *firyah*. Make his *ḥadd* the *ḥadd* of *firyah*,' the meaning of this statement is exceedingly unclear. The one who raves is not considered *mukallaf* and there is no *ḥadd* punishment for such a persons *qadhf* (false accusation) if what is meant by *firyah* in 'Alī's statements is indeed *qadhf*. This is because the term *firyah* is more general and cannot be limited to *qadhf*."

<sup>&</sup>lt;sup>246</sup> Al-Sharī ah by Al-Ājurrī 1813, 5/2326 | Faḍā il Khulafā al-Rāshidīn 169

Regarding 'Umar's utilization of eighty lashes as the "lightest" punishment, Al-Ṣanʿānī said, "If it is argued that this practice is based on  $qiy\bar{a}s$ , we would counter by stating that it does not align with  $qiy\bar{a}s$   $al-istil\bar{a}h\bar{\iota}$  (the way scholars of  $qiy\bar{a}s$  used analogy as clarified in the chapter on the conditions of  $qiy\bar{a}s$ ). There is simply no correlation between being intoxicated and engaging in qadhf; it is purely a matter of mere Ra  $\bar{\iota}$ . So claiming  $ijm\bar{a}$  in this case is fundamentally false. This is why a group of the a 'immah chose and adhered to the view that the hadd punishment for khamr is only forty lashes."  $^{247}$ 

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<sup>&</sup>lt;sup>247</sup> Ijābah al-Sā'il Sharḥ Bughyah Al-Āmil pg. 174



## Section: Regarding The Inheritance Allocated To The Grandfather

It is narrated on the authority of Al-Sha'bī, "'Umar initially avoided discussing the *farā'iḍ* (inheritance shares) allocated to the grandfather, until he himself became one. He expressed, 'In my opinion, and Abū Bakr's as well, the grandfather is more entitled to it than the brother.' 'Umar also expressed his intention to consult the people on this matter. He inquired, 'Did any of you hear anything from the Prophet regarding this issue?' A man responded, 'I witnessed the Messenger of Allāh grant him one third.' 'Umar asked, 'Who concurs with him?' The man replied, 'I do not know.'

Another individual stated, 'I saw the Prophet allocate one sixth to him.' 'Umar questioned, 'Who agrees with him?' Again, the response was, 'I do not know.' Zayd Ibn Thābit was consulted, and he put forth an example, comparing it (the issue) to branches of a tree that divide, although the precise details escape me. Eventually, he assigned one third to the grandfather. Al-Thawrī said, 'It has reached me that he (Zayd Ibn Thābit ) said, 'O amīr almu'minīn, it's like a tree planted, with its branches dividing, and those branches dividing further into two. Why should the first branch be deemed more significant and deserving than the second?' He then sought 'Alī's opinion, and 'Alī put forth the example of a valley with a river, so assigning one sixth as the share for the brother. It has also reached me that when 'Umar asked 'Alī, he put forth an example of a river dividing into streams, and those streams further dividing into two. He asked, 'Do you [not] believe that if the water in this middle stream were to dry up, it would all revert to just two streams?' Al-Sha'bī stated, 'Zayd would grant one third to the brother, while 'Alī would allot one sixth for the brother." 248

This narration is very weak, there is very clear inqițā'in it. 'Īsā

<sup>&</sup>lt;sup>248</sup> Al-Muşannaf by 'Abd Al-Razzāq 19058, 10/265



Ibn Abī 'Īsā al-Hannat is *matrūk*. And 'Āmir al-Sha'bī never heard from 'Umar, this defect has preceded in the narrations before, this is something very well known. This is also the view of Ibn Ḥazm, Bashār 'Awwād Ma'rūf, Mashur Ibn Ḥasan, and others.

This narration is also mentioned in other *turuq* by al-Bayhaqī and Ibn Wahb.<sup>249</sup> Those *turuq* are not free from 'Abd Al-Raḥmān Ibn Abī Zayd, and he is weak. He is declared weak by Abū Al-Fatḥ Al-Azdī, Abū Ḥātim, Ibn Ḥibbān, Ibn Ḥajar, Al-Dāraquṭnī, Al-Dhahabī and Ṣālih Ibn Muḥammad Jazarah. This narration is also a *wijādah*, this *tarīq* is also declared weak by Bashār 'Awwād Ma'rūf, Mashūr Ibn Hasan, Ibn Hazm and others.

There is one other *tarīq* from Al-Dāraquṭnī, which is also weak. AlḤākim, Al-Dhahabī and Aḥmad Shākir falsely declared it authentic. This *tarīq* is however not free from Ibn Lahī'ah who is without any doubt weak and he is the only to narrate it from this *tarīq*. This *tarīq* is also declared weak by Ibn Ḥazm and Bashār 'Awwād Ma'rūf.<sup>250</sup>

Even if any of these narrations were would ever be authentic, there would still be no scope for  $qiy\bar{a}s$  based on them, because neither a river nor a tree, in any circumstance, can claim a share of inheritance, whether it be one-sixth or one-third. Anyone who possess even a modest comprehension is aware that these scenarios lack any underlying *'illah* that corresponds to the issues, making any form of  $qiy\bar{a}s$  false and contradictory to their established principles and criteria for  $qiy\bar{a}s$ . It becomes evident that it is solely a matter of  $Ra\,\bar{i}$ . And it is not rejected that some  $sah\bar{a}bah$  used  $Ra\,\bar{i}$ . Moreover, it is firmly established that none of these examples were ever articulated by  $sah\bar{a}bah$ , as all these narrations are undeniably weak. The  $sah\bar{a}bah$  were renowned for their precision and would never have made such claims. Those who affirm these narrations for the purpose of  $qiy\bar{a}s$  are invalidating their own method of  $qiy\bar{a}s$ . As it contradicts their established principles and criteria of  $qiy\bar{a}s$ . This is very evident.

<sup>&</sup>lt;sup>249</sup> Al-Sunan Al-Kubrā by al-Bayhaqī 12429, 6/404

<sup>&</sup>lt;sup>250</sup> Sunan Al-Dāraquṭnī 4140, 5/164



#### Section: Regarding The Mukātab Slave.

The *mukātab* slave, is the slave who buys himself for an agreed sum to be paid later, once the agreed sum is paid, he is free.

They say, "'Alī and Zayd Ibn Thābit used *qiyās* regarding the *mukātab* slave."

They refer to when 'Alī was asked regarding the *mukātab* that leaves off wealth when he passes away. 'Alī answered, "The wealth that the *mukātab* slaves leaves off is used to pay off his *kitābah* (the agreed sum) and whatever remains is for his children as inheritance."

The explanation is that 'Alī held multiple perspectives on this issue. Firstly, there is this narration attributed to him. Furthermore, 'Alī expressed another view, "The *mukātab* achieves freedom in correlation with the payments made for their liberation. The *hadd* punishment is proportionate to the amount they paid for their release. And also, their inheritance is allocated in proportion to the funds contributed for their emancipation." Zayd Ibn Thābit shares this same view. 'Alī and Zayd Ibn Thābit's views are indeed accurate and align precisely with the *nuṣūṣ*.

This certainty stems from the understanding that if a *mukātab* slave passes away without completing the contract, then all the wealth for the agreed sum goes to the owner, because it is a debt, and we mentioned before that the wealth of a person when he passes away belongs initially to the creditors. If the slave had enough wealth and fully fulfilled their contract and had leftover wealth after passing, that surplus is used as inheritance for their free children and relatives. Any remaining wealth, as long as the contract is unfulfilled, is entirely owned by the master. If the wealth doesn't suffice and the contract is incomplete, the *kitābah* obligation ceases. This correct understanding is concluded by the saying of the Prophet , "The *mukātab* slave gains freedom proportionate to the payments made for purchasing their

<sup>&</sup>lt;sup>251</sup> Al-Muṣannaf by 'Abd Al-Razzāq 13416, 7/ 342



freedom. The *hadd* punishment is applied to them in proportion to the amount they have paid for their freedom. Their inheritance is distributed in proportion to the funds contributed towards purchasing their freedom."<sup>252</sup>

<sup>252</sup> Sunan Al-Nasāʿī 4811, 8/46



#### Section: Some Claims That The Salaf Used Qiyās

It has been said that Al-Þaḥḥāk and Qatādah said regarding the verse, "And you certainly know the first creation; then why do you not take lesson (heed)," [56:62] "This means why do you not take lesson from the *qudrah* of Allāh of the resurrection and do S*qiyās* of it to the first creation."<sup>253</sup>

It has been said that Al-Sha'bī said, "We use  $qiy\bar{a}s$  on the  $zak\bar{a}h$  of cows, if the amount of cows is higher than forty."<sup>254</sup>

And that Ibrāhīm Al-Nakha'ī said, "We would not memorize everything we were asked about. But we would know an issue because of using *qiyās*."<sup>255</sup>

And that Ibrāhīm Al-Nakha'ī said, "I would hear a hadīth and conclude a hundred rulings with qiyās with that hadīth." <sup>256</sup>

Know that for these attributed statements, there is never any  $isn\bar{a}d$  provided in any existing book. It is among the most false claims to attribute these to them. The salaf had instead an  $ijm\bar{a}$  on the falsehood of  $qiy\bar{a}s$  as we will clarify soon, by the will of All $\bar{a}h$ .

<sup>&</sup>lt;sup>253</sup> Fatḥ Al-Qadīr by Al-Shawkānī 5/189

 $<sup>^{254}</sup>$ Jāmi $^{\circ}$ Bayān al- $^{\circ}$ Ilm Wa Faḍlihi 1645

 $<sup>^{255}</sup>$  Jāmi $^{\circ}$ Bayān al- $^{\circ}$ Ilm Wa Faḍlihi 1646

<sup>&</sup>lt;sup>256</sup> Jāmi ʿBayān al-ʿIlm Wa Faḍlihi 1647



### Section: Regarding The Passing Of 'Ammār And Ḥamzah

This is regarding 'Alī's response upon learning of Mu'āwiyah's statement after 'Ammār's death. When it was said to Mu'āwiyah, "The Prophet said, 'Al-fi'ah al-bāghiyah will kill 'Ammār. Mu'āwiyah responded, 'The only one who killed him is the one who encouraged him to fight that day (meaning 'Alī).' This information reached 'Alī, and in response, 'Alī remarked, 'If that is the case, then the Prophet killed Ḥamzah (by inviting him to fight).""257

The answer: It is essential to emphasize that labeling this as  $qiv\bar{a}s$  is utterly absurd. It primarily concerns the killing of righteous individuals who were alongside him. 'Alī merely pointed out the inconsistency in Mu'āwiyah's view, which attributed the killing solely to the one who urged him to fight. It was more of a counterargument ( $ilz\bar{a}m$ ) than a direct answer. This can be likened to the positions of *ḥanafiyyah* and *mālikiyyah*, who claim that a marriage contract involving a slave girl's emancipation as her mahr is invalid. To this, we respond by highlighting that, according to their view, the Prophet's marriage to Safiyyah would also be invalid. If they persist in this belief, they apostate, but if they deny it, they contradict their own principles. Similarly, the saying of *ḥanafiyyah*, stating that an oath with only one witness contradicts the Qur'an, implies that all of the Prophet's # rulings are invalid according to their stance. If they maintain this belief, they apostatize, but if they disavow it, they contradict their own methodology. Likewise, the view of mālikiyyah, claiming that a healthy person's prayer while sitting being leaded in prayer, while the *imām* is sick and seated, is invalid, suggests that the prayers of all those who prayed behind the Prophet during his illness and subsequent sitting would be invalid, this implies that the Prophet's #

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<sup>&</sup>lt;sup>257</sup> Al-Tadhkirah Bi Aḥwāl Al-Mawta pg. 1089



order for everyone to sit when the  $im\bar{a}m$  sits would be deemed false. If they persist in this belief, they apostatize, but if they disavow it, they contradict themselves. Many of them also do not believe in the authenticity of this narration.<sup>258</sup>

<sup>258</sup> Al-Badr Al-Munīr Fī Takhrīj Al-Aḥādīth 8/548



#### Section: Regarding 'Alī And The Khawārij

A story similar to the one just mentioned involves 'Alī and the *khawārij*. The incident took place during a disagreement between 'Alī and the people of Syria. When 'Alī intended to write a letter, they wrote in it his title as, "'Alī, amīr al-mu'minīn." Some of those close to 'Alī and 'Āmir objected to including the title, suggesting that only his name and his father's name should be written. 'Alī accepted this suggestion. The khawārij then claimed that as the title "amīr al-mu'minīn" was removed, that it signifies 'Alī's withdrawal from authority. In response, 'Alī recounted how the Prophet ## had done the same when Suhail Ibn 'Amr refused to allow the term, "Muhammad the Messenger of Allāh," sto be written on the peace treaty during the time of hudaybiyyah. The Prophet \*\* removed "The Prophet" and wrote, "Muḥammad Ibn 'Abdullah," instead. 'Alī pointed out that if this action implied withdrawal from Prophethood, one would have to conclude the same for the Prophet <sup>259</sup>. The answer: This narrative aligns with the previously mentioned story and does not indicate anything from the method of qiyās. It emphasizes the importance of adhering strictly to the example of the Prophet and what their view would necessitate if they would follow it. The removal of these titles from the written documents is not derived from qiyās between them. Such examples will continue to be relevant until the Day of Judgment. Comparing it to writing "fire" on a piece of paper and then erasing it does not remove fire from the Earth. This saying held by the khawārij is seen as irrational and indicative of their limited intellect, as they were largely ignorant Bedouins. Anyone with even a basic level of intelligence knows that the removal of a verse from a physical object (like a document) does not erase it from the hearts and minds of believers. So connecting qiyās and 'Alī's statement is misleading, as qiyās is according to those who believe in it: determining what is forbidden, obligatory, or permissible when there is no

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<sup>&</sup>lt;sup>259</sup> Al-Amwāl by Ibn Zanjuwayh 655, 1/396



specific textual evidence, based on similarities in other texts. In this case, there is no prohibition, obligation, or permission being established through *qiyās*, without any *'illah*, and without any *far'* moved to an *aṣl*.

#### Section: Regarding Ibn 'Abbās And The Khawārij

Regarding Ibn 'Abbās's response to the *khawārij* when they rejected the application of two rulings during the events of the day of Ṣiffīn - specifically, the rulings of Allāh regarding marital relations and the valuation of a rabbit as one fourth of a Dirham.

It is narrated on the authority of Abū Zumayl, "Alī Ibn Abī Ṭālib dispatched Ibn 'Abbās to the harūriyyah (khawārij) to engage with them. They said, 'Welcome, Ibn 'Abbas, what brings you?' I said to them, 'I come to you from the companions of the Prophet, the Emigrants, the Helpers, and from the Prophet's cousin and son-in-law. The Qur'an was revealed to them, so they are more knowledgeable about its understanding than you. None of them is among you. I will convey to you what they say, and I will convey to them what you say.' Then some of them moved away from Ibn 'Abbās, Ibn 'Abbās said, 'Tell me what grievances you have against the companions of the Messenger of Allāh and his cousin.' They said, 'Three.' Ibn 'Abbās said, 'What are they (that which you hate about the companions)?' They said, 'Their ruling of men, regarding issues it belongs to Allāh. The ruling is for none but Allah. As for the second: He fought but did not imprison or take war booty if they were disbelievers it is allowed to do that, if they are Muslims it is not allowed. And he removed the title 'amīr al-mu'minīn.' from his own name.' Ibn 'Abbās said, 'Do you have anything other than this?' They said, 'No.' Ibn 'Abbās said, 'If were to recite to you the Book of Allāh and inform you about the sunnah of the Prophet, will you return [to the truth]?' They said, 'Yes.' Ibn 'Abbas said, 'Do you not see the statement of Allah the Most Exalted, 'O you who believe! Do not kill the game while you are in a state of *Ihrām*, and whosoever of you kills it intentionally, the penalty is an offering, brought to the Ka 'bah, of an eatable animal equivalent to the one he killed, as adjudged by two just men among you' [5:95].

You are correct the judgment is for none other than Allāh, while He has also judged about killing game; Allāh give here to men the judge by them

deciding the compensation for killed game during  $ihr\bar{a}m$ . So I ask you then by Allāh, is the matters of solving disputes and protecting the spilling of blood better (has more importance) or the ruling or a [mere] rabbit [killed during ihram]? They sayd, 'Yes.' Ibn 'Abbās said, 'And Allāh says, 'If you fear a breach between them twain (the man and his wife), appoint (two) arbitrators' [4:35]. So I ask you by Allāh, is solving disputes, the judgment of men regarding the relatives and saving their blood better (more important) or a matter or the marriage of a woman?' They said, 'Yes.' Ibn 'Abbās said, 'As for your claim that he ('Alī) fought but did not take prisoners and did not take booty, do you take your mother 'Ā'isha and permit doing to her that which you permit to other (female) prisoners? If you say, 'It is allowed to do to her that which is allowed with other slaves,' you have apostated. Allah says, 'The Prophet is closer to the believers than their own selves, and his wives are their (believers') mothers (as regards respect and marriage)' [33:6]. You are between two misguidances, do you step out of this?' They said, 'Yes.' Ibn 'Abbās said, 'As for 'Alī not including his title, I bring you that which you are pleased with. The Prophet said to 'Alī on the day of *hudaybiyyah* .... (same text as in the narration before.",260

The answer: This is not authentic because there are *mubhamāt* in the narration. Even if it were authentic, it would not provide any evidence for *qiyās*. We fervently seek refuge in Allāh from ever assuming that 'Alī, Mu'āwiyah, Ibn 'Abbās, May Allāh be pleased with them or any other companion formulated rulings to safeguard the Muslim community based on analogies between the rulings for hunting rabbits and those governing marital relations. Such an assumption would only be assumed by those bereft of sound judgment.

The rulings for both these matters are derived solely from  $nus\bar{u}s$ . Allāh says, "And if you dispute over anything, refer it to Allāh and the Messenger, if you should believe in Allāh and the Last Day. That is the best [way] and best in result" [4:59]. Allāh orders any dispute about anything of the religion to be referred to Allāh and his Messenger. The obligation is then  $tahk\bar{u}m$  of the book of Allāh and the sayings of the Prophet . The disputes that occurred between 'Alī and Mu'āwiyah are very well known, no one with the least amount of knowledge about  $\bar{a}th\bar{a}r$  can be ignorant of it. There is no doubt that Ibn 'Abbās intended to emphasize the obligation to return  $tahk\bar{u}m$  to the

<sup>&</sup>lt;sup>260</sup> Sunan Al-Kubrā by Al-Nasā'ī 8522, 7/480

Qur'ān and *sunnah*. There is no doubt that the *khawārij* are mistaken in shedding the blood of Muslims. If this were considered *qiyās*, then it would imply that the blood of the *ummah* would be saved because of the rulings governing marital relations and hunting, which is undoubtedly false.



# Section: Regarding 'Umar Killing A Group Of People

It is narrated on the authority of Saʿīd ibn Al-Mūsāyyab, "'Umar ibn Al-Khaṭṭāb took action by killing five or possibly seven individuals as retribution for the secret and deceitful murder of one man. 'Umar declared, 'Had all the people of Ṣanʿā' united against him, I would have killed them all.'"

Ibn Juraij added, "'Abd Al-Karīm and Abū Bakr expressed that 'Umar was not certain in that matter. However, 'Alī intervened and asked him, 'O *amīr al-mu'minīn*, do you also believe that if a group of individuals cooperated in stealing a camel, with each of them taking a portion of the stolen animal, they should all be subject to the same punishment?' 'Umar said, 'Yes.'"<sup>261</sup>

The answer: There is not a single  $qiy\bar{a}s$  related to this because none of it is an  $a\bar{s}l$  for the other and none a far' for the other. Instead there is  $nu\bar{s}u\bar{s}$  to kill everyone that kills and to cut the hands of everyone that steals as in the example of 'Alī everyone stole. These distinct issues do not depend on each other's existence, and one is not superior to the other. Allāh says, "And there is (a saving of) life for you in  $qi\bar{s}u\bar{s}s$ " [2:179]. And Allāh says, "The retribution for an evil act is an evil one like it" [42:40]. And Allāh says, "And (as for) the male thief and the female thief, cut off (from the wrist joint) their (right) hands" [5:38]. Allāh did exclude in both matters the one that assisting the act by doing what deserves that punishment, they are instead included in general. And otherwise 'Alī would only reject 'Umar, differing in choosing one of the punishments instead of the other. Which we would reject the same way as well if that would ever be the case. So if this narration would ever be authentic, which it is not, would have no relation to  $qiy\bar{a}s$ .

<sup>&</sup>lt;sup>261</sup> Muwatta Mālik 3246, 5/281



### Section: Regarding Issues Which They Claim Have No *Nuṣūṣ* And That *Qiyās* Becomes An Obligation Because Of It

This encompasses all the arguments they use regarding the fatāwa of the sāḥābah of the Prophet. We have clarified in great detail that their fatāwa bear no connection whatsoever to *qivās*. These *fatāwa* are either based on weak narrations or are entirely unrelated to qivās. It is evident that the *ṣāḥābah* of the Prophet <sup>##</sup> are entirely exempt from the use of *qiyās*. We say with absolute certainty that they neither used 'ilal nor possessed an understanding of it similar to how *qa'isūn* used it, which is the sole means through which qiyās can be deemed valid. There exists a unanimous consensus, with unwavering certainty, that none of them were familiar with the concept of qivās. Qivās is as a bid'ah that emerged during the second generation and subsequently spread in the third. And, the practices of taglīd and ta'līl were introduced during the fourth generation and became more widespread in the fifth. The *hujjah* of Allāh is firmly established in following solely Qur'an and al-sunnah while disregarding all other aspects, including qiyās Ra 'ī and taqlīd. All praise if for Allāh, the Most Exalted, before we get into invalidating the entire method of ahl ul-qiyās, we will first clarify the issues which they exaggerate against us, without any right, and show them their contradictions regarding them, by the will of Allāh.



## Section: Regarding Cleansing After Urination Or Defecation

They say, "According to you, anyone after urination of defecation must always bring three stones and cleanse himself using that, because the Prophet said, 'When one of you needs to relieve themselves, they must bring along three stones to use for cleansing, as these will suffice for it." The answer: If this narration would be authentic and if it would be the only narration narrated on the topic, it would indeed be an obligation without any doubt, only then. Allāh the Most Exalted said, "But no, by your Lord, they can have no Faith, until they make you (O Prophet) judge in all disputes, and find in themselves no resistance against your decisions, and accept (them) with full submission" [4:65].

It is however also narrated on the authority of Anas, "When the Prophet would entered the privy, a servant and I used to carry a skin of water and a pointed staff, and he would cleanse himself from defecation and urine with the water." <sup>263</sup>

And the Prophet said, "All the earth has been made a mosque for us, and its soil is made a means of cleansing if we do not find water." <sup>264</sup>

<sup>&</sup>lt;sup>262</sup> Sunan Abī Dāwūd 40, 1/30

<sup>&</sup>lt;sup>263</sup> Ṣaḥīḥ Al-Bukhārī 152, 1/42

<sup>&</sup>lt;sup>264</sup> Sahīh Al-Bukhārī 335



#### Section: Regarding The Ruling Of 'Awl

There is no 'awl in anything from the inheritance shares. 'awl is regarding the inheritance shares for a case with husband or wife, a sister, a maternal aunt, or, two sisters, or the paternal aunt and two maternal uncles. Or if the shares are for a husband or wife, two parents, and a daughter, or two daughters.

The apparent of these shares are: one half, one half, and one third; or one half, one half, and two thirds; or one half, one half, and a sixth, and so forth, so in such cases the numerator exceeds the denominator.

So, the people have differed about this issue, some of them said, "From the shares of every single one of them, a certain amount is reduced till it becomes possible to distribute it equally."

They do this by gathering all of their denominators and splitting the property between them within that one denominator. Such as if there is a case where the shares are for the husband, wife, two sisters and two maternal aunts. The shares for this are: two thirds, one third, one half and one sixth. This is a case where the numerator exceeds the denominator. So they say regarding this, "The husband gets one half which is three sixth, the mother gets one sixth, the numerator is then four. The two sisters get two thirds, and this becomes four sixth. Now the numerator is eight while the denominator is six. The two sisters of the mother get one third, which is two sixth, the numerator is then ten. The property is then distributed between them based on this share of the numerator being ten. Now the husband gets three of that ten, which is now less than one third. The mother which had one sixth, now gets one tenth. The two sisters which had two thirds, now get four tenth the two maternal aunts which had one third now get two tenth and in this manner this is done for every single case where the numerator exceeds the denominator."

The first one to utter this view was Zayd Ibn Thābit, then 'Umar agreed with him, which is narrated authentically from them. This view is also

narrated about 'Alī<sup>265</sup>, Ibn Mas'ūd<sup>266</sup>, Al-'Abbās which is not authentic from them. It is the view and narrated with authentic narrations from Shuraiḥ and a very few *tabi'īn*.

It is also the view of Abū Ḥanīfah, Mālik, Al-Shāfīʻī and Aḥmad. <sup>267</sup> It is among the easiest of matters for their companions to claim  $ijm\bar{a}$  on a matter when these concur, and that opposition to it is strange, and that their opponents are wrong because of that, these are mere false claims, we seek refuge in Allāh from such.

It is narrated on the authority of Khārijah Ibn Zayd Ibn Thābit, "My father Zayd Ibn Thābit, was the first one to ever use 'awl."<sup>268</sup>

This is enough evidence to indicate the falsehood of 'awl, that it is merely a view that came into existence with no Qur'ān and sunnah for it, it is only an iḥtiyāt from some of the salaf.

As for the view that 'awl is not allowed, it is the view of Ibn 'Abbās.<sup>269</sup>

It is narrated on the authority of 'Ubaydullah Ibn 'Abdullah Ibn 'Utbah Ibn Mas'ūd, "Ibn 'Abbās said, 'Do you [really] think that the One (Allāh) who counts the amount of sand particles, made regarding property a half, another half and a third. There exists only two halves, three thirds or four fourths." 331

It is also narrated on the authority of 'Ubaydullah Ibn 'Abdullah Ibn 'Utbah Ibn Mas'ūd, "I went with Zufar Ibn Aws to Ibn 'Abbās, we spoke with him, till the topic of inheritance began, Ibn 'Abbās said, 'Do you [really] think that the One (Allāh) who counts the amount of sand particles, made regarding property a half, another half and a third. The two halves have the property, where is the additional one third?' Zufar said to him, 'O Ibn 'Abbās, who was the first one to use 'awl?' Ibn 'Abbās said, 'Umar Ibn Al-Khaṭṭāb, when he came across the shares and (then) offset some for the other, he was a cautious person (did it because of iḥtiyāt). He ('Umar) had said, 'By Allāh I do not know which one Allāh preceded and also not who he delayed. I do not find any case which is larger (numerator exceeding the denominator), except that I divide that poverty with divisions. So everyone gets their right in any 'awl.' Ibn 'Abbās said, 'By Allāh, if he only preceded those Allāh preceded, there

<sup>&</sup>lt;sup>265</sup> Al-Muṣannaf by Ibn Abī Shaybah 31852, 16/262

<sup>&</sup>lt;sup>266</sup> Al-Muşannaf by 'Abd Al-Razzāq 19074, 10/271

<sup>&</sup>lt;sup>267</sup> Al-Hāwī Al-Kabīr 8/129

<sup>&</sup>lt;sup>268</sup> Sunan by Sa'īd Ibn Mansūr 33

<sup>&</sup>lt;sup>269</sup> Sunan by Sa'īd Ibn Mansūr 35 | Al-Musannaf by Ibn Abī Shaybah 31839, 16/258

<sup>&</sup>lt;sup>331</sup> Sunan by Sa'īd Ibn Mansūr 36



would not be a single case of 'awl.' Zufar said, 'O Ibn 'Abbās How did Allāh precede [them]?' Ibn 'Abbās said, 'Those who in every single case of inheritance of, inherit, they are not omitted by Allah from inheriting and only [occasionally] move to a different fraction. As for those that are delayed, they are those who in all cases of inheritance, when omitted from their share only get what remains. As for those who are preceded, they are the husband, who gets a half. If someone else participates in the inheritance that puts him out of that, he returns to one fourth, he does not cease from this ever. The wife gets one fourth, if she is put away, she gets one eighth, she does not cease from this ever. The mother gets one third, if she is put away, she gets one sixth, she does not cease from this ever. These are the shares which Allah preceded. As for those that are delayed, they are the sisters and daughters, they have one half and more and two thirds. If other shares put them away from that, they get nothing, except if there remains any property. If there is a case, that includes both those Allāh preceded and those he delayed, then those who are preceded get all of their exact shares completely. If anything remains it is for those that are delayed. If nothing remains then those that are delayed get nothing.",270

A group of the *salaf* followed Ibn 'Abbās declaring '*awl* as false, such as 'Aṭā', Muḥammad Ibn 'Alī Ibn Abī Ṭālib, Muḥammad Ibn 'Alī Ibn Al-Ḥusayn, Muḥammad Ibn Al-Ḥanafiyyah.<sup>271</sup> It is also the view of Dāwūd and all of our companions and others.

We must look into what those who believe in 'awl use as evidence, we find that they mention what 'Umar said regarding not knowing who Allāh preceded and who He delayed.

The *muta'kahirīn*, added, "None of them is more likely to be omitted than the other, so what is necessary is that they are like creditors, the executor of the bequest is the one that causes trouble from their rights. So we must from all of them decrease some of their share."

They also say, "Rejecting 'awl implies contradiction in one case." The answer: There is no evidence in anything in this for 'awl.

As for the saying of 'Umar, "I do not know who Allāh preceded and who he delayed," he has spoken the truth. Except that we are certain without any doubt that Allāh has not burdened us with that which he has not clarified to

<sup>271</sup> Al-Ḥāwī Al-Kabīr 8/130, Nihāyah Al-Maṭlab 9/138

<sup>&</sup>lt;sup>270</sup> Sunan Al-Kubrā by Al-Bayhaqī 6/253

us. As it was obscured for 'Umar, it does not imply that it was obscured for Ibn 'Abbās. The one that is not aware of a ruling is not an evidence against the one that is aware of it. 'Umar was not aware of the ruling that *mahr* can be expensive, he was also not aware of *kalālah*, and many other matters which we mentioned before. None of this is an evidence against those that do know the rulings.

As for them making it similar to creditors and the executor of a bequest, it is a false similarity. Because if property would extent on the manner their method, then the creditors and the executor of the bequest would also extent. They would then find that after the division of the creditor, the property of the creditors and the ones to execute the bequest would be divided forever, even after it extended to them and this is not the same for 'awl.

Everything Allāh created in this world, paradise, hell and the throne are not more than two halves, three thirds, four fourths, six sixths, eight eighths, and so on. It is then a false claim that Allāh burdened us the impossible, that which we are not able to. And it is more false that he would burden us an exit for that which is not possible, while he has not clarified how, what, and when we must do it.

As for their claim, "None of them are earlier of being omitted than the others that have a share, this is why we must omit all of them at the same time."

It is said to them: You do not have to omit anyone inheritor, whom Allāh made fractions for with your  $Ra'\bar{\iota}$ , and  $ihtiy\bar{a}t$ .

As for the claim that those who deny 'awl, contract in a case. We will clarify this in detail soon, by the will of Allāh, that it is not contradictory.

As everything they claim is false, it becomes obligatory to look into what those who invalidate 'awl use as evidence. We find that Ibn 'Abbās in the narrations mentioned previously, has clarified in detail the certain evidence which no one is able to oppose. Such as when he informed the people that 'Umar was the first one to use it, and that 'Umar admitted himself that he did not know the meaning Allāh intended. So it is without any doubt a mere Ra ' $\bar{\imath}$ , with no preceding sunnah. This is a sufficient certain evidence for its falsehood.

As for Ibn 'Abbās, he described his view, that it is from texts of Qur'ān and *sunnah*, which is then the truth, and also that 'awl, does not occur except in cases with both parents, a husband and wife, sisters and daughters only.

There is no doubt, from anyone with the least level of comprehension that Allāh did not intend to give more of the shares, which is without any doubt impossible of the property. We find that there are three certain evidences for the view of Ibn 'Abbās, first is that what he said regarding preceding those who Allāh never in any inheritance case omitted before those who are omitted from some inheritance cases, and that they only get what remains. Second is that the 'aql by necessity understands that those whom Allāh obliged to receive the inheritance and those who are never prevented in any case inherit before those who sometimes inherit and sometimes do not. Because those whom Allāh never prevented from inheritance cannot be prevented by anyone from what Allāh prescribed for them from their share. And for anyone who sometimes inherits and sometimes does not, we know with certainty that they inherit only after those who always inherit, with no other option

We find that the husband and wife, two parents always inherit in every single possible case.

And we find that the sisters sometimes inherit and sometimes do not inherit.

And we find that the daughters do not inherit except after the heirs that are with them.

This is the clearest of clarifications, there is no way to deviate from this matter.

As for the cases they claim we contradict, they claim it to be the case of a husband, a mother, two paternal aunts and two maternal aunts. They say.

They also claim we contradict regarding the case of the mother and two sisters, or sisters of the father only, or mother only.

As for the case of the husband, mother, two paternal aunts, two maternal aunts: There is no contradiction here, because the two paternal aunts sometimes inherit the exact fraction mentioned and sometimes do not except what remains, so they are not given anything except if there is texts for them. And there is not in this case for the mother except one sixth, because the deceased has brethren, so the husband must get one half from texts and the mother one sixth from texts, these added to each other concludes two third and the two maternal aunts get the remaining one third according to texts.

As for the case with the husband, mother, and two maternal aunts. The husband and the mother always inherit. As for the two maternal aunts, they sometimes inherit and sometimes do not inherit. It is not allowed to prevent, whom we are certain is obliged the inheritance in any case forever. And it is

not allowed for the one that only in some cases inherits, to inherit except after the those whom we are certain must inherit and after they received their fraction in full. If anything remains, those who only sometimes inherit. If nothing remains they get nothing, as nothing is within the ability of the *mukallaf* except this, or opposition to Qur'ān with claims with no certain evidence. So the husband gets one half, the mother one third, and nothing remains except one sixth. The maternal uncles get nothing other than this, as nothing else remains.

Everyone that understands this knows that 'awl itself is not the  $qiy\bar{a}s$ . It is only the math to calculate the  $far\bar{a}$ 'id for certain cases. Everyone knows that math has nothing to do with  $qiy\bar{a}s$  and that it is not possible to claim any  $qiy\bar{a}s$  here in any possible manner. It is only a false ra'  $\bar{\imath}$ , from which the falsehood is clear. All praise if for Allāh, the Most Exalted



#### Section: The Issue Of Urinating In Stagnant Water

If they say, "Regarding the narration where the Prophet  $\stackrel{\text{deg}}{=}$  said, 'None of you must urinate in stagnant water and then wash [by] using it.'<sup>272</sup> Do you then permit taking  $wud\bar{u}$ ' from a bucket someone else urinated in or a bucket someone defecated in, or any other spot than a bucket?"

This is something none of us ever said, all of us concur that it is instead always invalid for anyone to take  $wud\bar{u}'$ ,  $tah\bar{a}rah$  or ghusl from a place that has any type of impurity, such as urine, excretion, carrion, blood, swines and anything that is impure can be known from the smell, color and taste, this is an additional ruling besides the narration prohibiting urinating in stagnant water, it is not allowed to abandon rulings for. As long as impurities such as blood, urine or defecation is noticed through smell, taste or color it becomes invalid to use it for consumption,  $wud\bar{u}'$ ,  $tah\bar{a}rah$  or ghusl for anyone, both the urinator and anyone else. But when no impurity appears in the water, no color, smell or taste is changed then it becomes allowed for anyone other than the urinator to make use of it, because for the urinator there is a general prohibition, and for anyone other than him, there is only the prohibition of avoiding impurities.

That which is pure does not become impure by coming into contact with the impure, and the impure does not become pure by coming into contact with the pure. That which is halal does not become halal by coming into contact with halal, and that which is halal does not become halal by coming into contact with halal. The impure is impure as it is, and the pure is pure as it is, except if there are texts mentioning a change in ruling, then there is nothing other than obedience towards it.

If water were to become impure because of coming into contact with the impure, then nothing would ever be pure. Because if water were to be dropped on the impure to wash it, it would have become impure, and like this, rivers

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<sup>&</sup>lt;sup>272</sup> Sahīh Muslim 282

and even oceans that are never stagnant would be ruled impure. Because if water becomes impure by coming into contact with the impure, it would be obligatory for water to be impure which comes into contact with it, and like this, forever.

As for when the color, taste, or smell changes of that which is pure by coming into contact with the impure or prohibited, it is in such cases not possible to use what is allowed except by using what is prohibited, and using that which is prohibited regarding consuming and in prayer is prohibited. So it becomes obligatory to prevent this, not because that which is pure and *ḥalāl* became prohibited or impure, if it were possible to distinguish the prohibited and impure, it would be *ḥalāl* according to its state. The same would be if the impure or prohibited is on a pure body, if it were removed, then the impure did not become pure, and the prohibited did not become allowed.

The same is when the attributes of anything such as the impure or prohibited change, then the word of that which was impure cannot be applied anymore. It changed to another word according to its state, which is something that is permissible. It is not that thing which was impure or prohibited anymore; instead, it became something other than that.

The same is when water, which is always pure, has some attributes that change, it can then no longer be called water to which the ruling applies. It has instead changed to another word which is prohibited or impure, such as when juice changes to *khamr*, or when *khamr* changes to vinegar, or when a chicken eats swine meat and changes inside the chicken, which is permissible. Or when water changes to urine and food becomes excretion.

Many of those who believe in  $qiy\bar{a}s$  and 'ilal do not fear of telling lies against Allāh and his Messenger  $\stackrel{\text{def}}{=}$ , they fear it more to attribute a false saying to humans such as their a'immah they make  $taql\bar{t}d$  of.

If it is said, "You believe that if someone urinates in a cup and pours that in stagnant water, that he is not prohibited from doing that, and that it is only prohibited if he urinates in it directly. And that if someone defecates in it that anyone can make use of it for purification, and that if someone urinates in it directly that it is permissible for everyone else."

This is because the Prophet said, "Do not urinate," and He said, "In stagnant water." Urinating is the act of emptying the liquid in the bladder, it is not something other than that in the Arabic language, this act is combined to avoiding from directing it in stagnant water. The one that urinates in a cup and spills it in the stagnant water, does the act of spilling it in stagnant water,



he is not someone that urinated in stagnant water. There is no other way of understanding this. As for anyone making use of such water, it is not allowed if the taste, color or smell changes as clarified before.

This ruling is similar to the permissibility of selling the  $ni\bar{s}ab$  of  $zak\bar{a}h$  right before the time is due on purpose, in the aspect that both obligations do not apply due to a slight difference and that the exact same result appears, whether this is done on purpose or not, the permissibility of selling the  $ni\bar{s}ab$  for  $zak\bar{a}h$  right before the time is due is also the view of Abū Ḥanīfah And Al-Shāfi  $\bar{1}$ .

And the permissibility of buying back the *zakāh* given to *ahl ul-ṣadaqāt* or getting it gifted back from them, and the permissibility of this is also the view of 'Ikrimah, Makhūl<sup>274</sup>, Abū Ḥanīfah, Al-Awzā'ī and Al-Shāfi'ī.<sup>275</sup>

The Prophet did not prohibit the one that spills urine from a cup into stagnant water, he only prohibited the verb of urinating in stagnant water, so the urinator only not the one spills a cup. There is however no doubt that this can be prohibit for other matters, if it is thrown in a well which causes difficulty for Muslims as most of the times the water becomes unusable due to the attributes of the water changing as clarified before.

Some of the current  $z\bar{a}hiryyah$  have said against this issue, "Ibn Ḥazm did not allow this, no  $Z\bar{a}hir\bar{\iota}$  has ever said such, Ibn Ḥazm clearly said that only if the urine flows to the stagnant water that it is prohibited, and he meant here if it flows to it without having intended it, not having done it on purpose, in such a case it is permissible, not if he did it on purpose. So it is not allowed to urinate in a cup on purpose and spill it in the stagnant water as this is on purpose. Do you not see that the one that kills by accident is not a killer on purpose and that the married fornicator is not the unmarried fornicator and that the traveler is not the resident."

Ibn 'Aqīl *al-Zāhirī* also declared this view from the *zāhiryyah* as false.<sup>276</sup> The part they added about the intention is incorrect, because the intention would only matter if someone accidentally urinated directly in stagnant water, not if he did it indirectly, because then he has not urinated in the water in the first place. And since when does this accident allow him to make use of that

<sup>&</sup>lt;sup>273</sup> Al-Mawsū'ah Al-Fiqhiyyah 10/79

<sup>&</sup>lt;sup>274</sup> Al-Amwāl by Ibn Zanjuwayh 1594 | Al-Musannaf by Ibn Abī Shaybah 10613

<sup>&</sup>lt;sup>275</sup> Mukhtasar Ikhtilāf Al-'Ulamā' 1/439

<sup>&</sup>lt;sup>276</sup> Ibn Hazm Khilāl Alfa 'Ām 1/143



water for any purification or consumption? In such cases he only does not fall into sin, while the ruling remains.

If they say, "What do you then say about the punishment of *khamr*? The Prophet sonly lashed those who drank *khamr*, there is no mention of him lashing the one that ate it."

The answer: It must be known that both of these are without any doubt prohibited, this question is specifically about the *hadd* of *khamr*. This ruling has been prohibited in general and apply for both the one drinking, eating or consuming it in any possible manner, because the Prophet said, "Every intoxicant (*muskir*) is *khamr*." And a *muskir* is anything that makes a person lose intellect (drunk).<sup>277</sup> The way someone becomes intoxicated does then not matter and the Prophet applying the punishment on the one that is intoxicated in a specific manner does not negate other possibilities, then The Prophet said, "Every *khamr* is prohibited," that which confirms this further is that Anas said, "The Prophet lashed regarding *khamr*..." Without specifying drinking, this indicates that the punishment is applied on anyone that becomes drunk in any possible way.

Even if it would be the case that the hadd would only be applied on the one drinking it, there is nothing to be questioned if that would be the case as all  $hud\bar{u}d$  have its conditions, no matter how close someone gets towards the punishment. The conditions for the hadd of fornication is a private part entering a private part and exiting it specifically, there is for nothing other than that, no matter how much it is similar to  $zin\bar{a}$ , while it is sinful it is, no hadd for  $zin\bar{a}$  applied.

If it is said, "It is narrated that the Prophet # prohibited drinking poison, then what about the one eating it?"

The answer: It is indeed narrated that the Prophet sonce prohibited drinking poison specifically, but it is also narrated that the Prophet said, "Whoever kills himself with poison, then his poison will be in his hand, to continually take it in the hell fire, dwelling in that state eternally." This makes it general and there are other general orders that encompass this.

They themselves make a clear difference between eating and drinking, no matter how similar it seems, Muḥammad Ibn Al-Ḥasan Al-Shaybānī Al-

<sup>&</sup>lt;sup>277</sup> Al-Mişbāḥ Al-Munīr 1/281

<sup>&</sup>lt;sup>278</sup> Şaḥīḥ Al-Bukhārī 6776

<sup>&</sup>lt;sup>279</sup> Sunan Al-Tirmidhī 2043



Hanafī said, "Whoever takes an oath not to drink milk or honey, but then eats it, then his oath does not break. Because eating is not the same as drinking." <sup>280</sup>

If it is said, "What about the one that urinates in a *masjid*? The Prophet prohibited urinating in a masjid, is it then allowed according to you to urinate in a cup and spill that?"

The answer: In this specific issue, urine is prohibited in general, it is not allowed to have any urine on the ground, walls, doors or anything of the *masjid* in any possible way. The Prophet said, "These *masājid* are not suitable for anything of this urine." This is a very clear general order of the Prophet which no one is allowed to oppose.

All of these answers indicate the correctness of our method regarding the issue of urinating in a cup and spilling it in stagnant water, as the Prophet in all issues where it is general, made it general. It is not difficult for the Prophet to generalize any of these issues. Allāh said, "And your Lord is never forgetful" [19:64].

If it is said, "Then what about spitting in the *masjid*? The Prophet ##
prohibited this also in the *masājid*?"

The answer: This is as well prohibited in general, in any possible manner, because the Prophet said, "The spit in the *masjid* is a sin, and its expiation is to bury it." <sup>282</sup>

The spit  $(bu s\bar{a}q)$  means any liquid produced in your mouth (saliva) which is outside the mouth. As long as it is inside the mouth it is called saliva  $(r\bar{\iota}q)$  and as long as it is outside the mouth it is a spit<sup>283</sup> and cannot be in anything of the *masjid*.

If it is said, "So now we have the prohibition of spitting and urinating, but what about the one that defecates in the *masjid*? Or the one that brings excrement and throws it inside the *masjid*?"

The answer: There is a clear general order of the Prophet \* of keeping any *masjid* clean. 'Ā'isha said, "The Prophet ordered us that the *masājid* must be kept clean and be perfumed." This also covers every other question of before.

<sup>282</sup> Sunan Al-Nasāʿī 723

 $<sup>^{280}</sup>$  Al-Aşl by Muḥammad Ibn Al-Ḥasan Al-Ḥanafī $3/310\,|$ Ishraf ʿAlā Madhāhib Al-ʿUlamā ʾ7/163

<sup>&</sup>lt;sup>281</sup> Sahīh Muslim 285

<sup>&</sup>lt;sup>283</sup> Tāj Al- 'Arūs 25/83

<sup>&</sup>lt;sup>284</sup> Sunan Abī Dāwūd 455

These are the clear orders of the Prophet , it is never difficult for him to prohibit which Allāh willed to be prohibited and to oblige that which Allāh willed to oblige and to allow that which Allāh willed to allow through revelation, Allāh, the Most Exalted said, "And your Lord is never forgetful" [19:64]. And it is established that anything which is not prohibited is permissible, no matter how similar it is to become prohibited, had Allāh willed it would have been prohibited.

And it is said to those who exaggerate regarding this topic: According to many of you, specifically the *shāfi'iyyah* and the *ḥanābilah* semen of humans is pure<sup>285</sup>, then what do you do with a stagnant water a man spilled a gallon of semen in from an animal which is permissible to consume?

Some of you have explicitly allowed consumption of semen, such as Abū Zayd Al-Marwaz $\bar{\imath}$ . <sup>348</sup>

As for us any semen of humans, whether dead or alive, infidel or Muslim cannot be consumed as it is not allowed to eat anything from a human except what is specifically made permissible, there is nothing that permits this specifically.<sup>349</sup>

This is all while those who are greater than them have allowed making use of liquid in impurities fell in, which affirm our method, such as 'Alī, Ibn Mas'ūd, Ibn 'Abbās, Ibn 'Umar, Abū Mūsā Al-Ash'arī, Abū Sa'īd Al-Khudrī, Al-Qāsim, Sālim, 'Aṭā', Al-Layth and others.<sup>286</sup>

Ibn Ḥazm said, "The strangest thing is that they differentiate between running and stagnant water. They argue that if running water is mixed with impurities while its rear remains pure, they can be certain that the impurity flowed away. They allow the use of the water that has a flow, even though the impurity initially mixed with it. They are part of the exact thing which they rejected initially. If they say, 'We do not differentiate between running and stagnant water (for any reason), except that there is a prohibition (from the Prophet) only regarding urinating in stagnant water.' We say: You are right, this is the truth, and in this exact manner from that narration we make a difference between the prohibition mentioned regarding the urinator and between anyone who is not included in the prohibition, and they are anyone that is not directly the urinator. There is no way for an evidence to make a

 $<sup>^{285}</sup>$  Al-Mawsūʻah Al-Fiqhiyyah 39/141 $^{348}$  Majmūʻ Sharḥ Al-Muhadhab 2/556 $^{349}$  Al-Mawsūʻah Al-Fiqhiyyah 39/380

<sup>&</sup>lt;sup>286</sup> Al-Istidhkār 27/222-227 | Al-Awsat 2/420-430



difference between that which they take from the narration and between that which they abandoned, and Allāh is the One Who brings the success.<sup>287</sup>

Ibn Hazm, may Allāh have mercy on him, said, "Abū Hanīfah said, 'If one side of water in a pond is moved and the other side after that movement does not move, then if anyone urinates in it however he wants, he can use it for  $wud\bar{u}$  and ghusl, if it is less than that (a pond), then it is not allowed to use it for wudū' and ghusl.' He added to the narration what is not part of it such as prohibiting the one that did not urinate, he opposed the narration by permitting it in some cases of much and less water, and for the urinator to use it for wudū' and ghusl. The same for Al-Shāfi'ī regarding water if it is two hundred twenty-five liters or less than two hundred twenty-five liters<sup>289</sup>, he opposed the narration just as Abū Hanīfah opposed it and added to it just as Abū Hanīfah added. As for Mālik, he opposed everything, he said, 'If the water does not change with his urine, then he can make use of it for  $wud\bar{u}$ ' and ghusl.' And in sometimes he added, 'If the water is a lot.'290 So their reliance to this narration is completely invalid, because of their oppositions to it. As for us, we take from it just as it is mentioned, and All Praise is for Allāh."291

Ibn Ḥazm said, "As for them defaming us for making a difference between the urinator mentioned in the narration and the non-urinator who is not mentioned in the narration and between the rat that enters ghee which is mentioned in the narration and between him entering oil or something prohibited entering ghee which is also not mentioned in the narration, it is all a baseless, false defamation, all of which returns back to them. If they would contemplate on their own words, they would have known that they are the wrong ones for making a difference between the urinator mentioned by the texts and the non-urinator which is not mentioned by the texts. Our differentiation between the urinator and the non-urinator is not different from the differentiation you made regarding stagnant water mentioned in the narration and running water which is not mentioned in the narration. Otherwise, tell us, what is that which obliges a difference between stagnant

<sup>&</sup>lt;sup>287</sup> Al-Muhallā 2/307

<sup>&</sup>lt;sup>288</sup> Al-Natf Fī Al-Fatāwa 1/6 | Al-Mabsūt 1/70-71

<sup>&</sup>lt;sup>289</sup> Al-Umm 2/11

<sup>&</sup>lt;sup>290</sup> Al-Tafrī' 1/216-217 | Al-Nawādir Wal-Ziyādāt 1/75-76

<sup>&</sup>lt;sup>291</sup> Al-Muhallā 2/311-312

and running water, but does not oblige a difference between the urinator and the non-urinator? Anything that is mentioned in the narration does not transgress with its ruling to that which is not mentioned in it without other texts. And like how they differentiate between the one plundering water, and it becomes prohibited for him to drink it and use it, while it is permissible for the one that did not plunder it, is the one that urinates and the one that did not urinate, nothing but like the fornicator and the non-fornicator, the stealer and non-stealer, the consumer of *khamr* and the non-consumer of *khamr*, the praying person and the non-praying person? Everything has its term and ruling. Is there anything more hideous and an apparent mistake than when there is a clear text regarding the urinator, that it is changed to the ruling of the non-urinator? Is this not like changing the ruling of the stealer to the non-stealer, the ruling of the fornicator to the non-fornicator, and the ruling of the praying person to the non-praying person? We seek refuge in Allāh from this.

If they were to only listen to their own selves, the mālikivvah and shāfi'iyyah would reject their own differences between touching the private part with the palm which invalidates the  $wud\bar{u}$  and between the touch with the back of the hand which does not break the wudū'. 292 And the mālikiyyah would have rejected their own difference between the ruling of the noble woman and the low woman regarding marriage.<sup>293</sup> Allāh never made a difference between the private parts regarding tahlīl, tahrīm, sadāq and hadd. And the mālikiyyah and shāfi'iyyah would have rejected their difference regarding the ruling of dried dates and unripe dates regarding 'arāvā.<sup>294</sup> And the mālikivvah make a difference with us regarding what a dog enters his tongue into and what he enters his tail into. They also make a difference between the urine of the cow and the urine of the horse<sup>295</sup>, while no text has declared this difference. The worst is them differentiating regarding the excrement of chickens that are free and chickens that are confined.<sup>296</sup> And their difference between the urine of a sheep if it drinks impure water and between the urine if it drinks pure water. They also make a difference between beans and between itself. They make it for  $zak\bar{a}h$  with lathyrus one type<sup>297</sup>,

 $<sup>^{292}</sup>$  Al-Ḥāwī Al-Kabīr 1/197 | Al-Mudawwanah 1/118 | Al-Istidhkār 3/35

 $<sup>^{293}</sup>$  Al-Istidhkār 16/35, 16/47 | Al-Tahdhīb Fī Ikhtiṣ<br/>ār Al-Mudawwanah 1/146

<sup>&</sup>lt;sup>294</sup> Tahdhīb Ibn Al-Baradhi 'ī 3/339

<sup>&</sup>lt;sup>295</sup> Al-Mudawwanah 1/128, 1/116 | Al-Nawādir Wal-Ziyādāt 1/82, 1/80, 1/85

<sup>&</sup>lt;sup>296</sup> Al-Mudawwanah 1/116 | Al-Nawādir Wal-Ziyādāt 1/70

<sup>&</sup>lt;sup>297</sup> Al-Mudawwanah 1/384



while they make them two different types regarding sales.<sup>298</sup> Every single one with intellect knows that the difference between the urinator and the defecator has come with the texts by mentioning only one without the other. This is a clearer difference between beans of yesterday and beans of today for which no texts exist at all (and any of their other differences).

And the *shāfi'iyyah* make a difference between urine of that comes out the urethral meatus, they believe this part cannot become pure except with stones, and between the exact same urine if it reaches the glans penis which cannot become pure except with water.<sup>299</sup> And they make a difference between the urine of the infant and between his excrement, regarding sprinkling water (on the urine) and washing it (as no washing is obligatory for urine). This is the exact same thing they rejected about us. And those hanafiyyah make a difference between the urine of sheep in wells, which invalidates any usage of it and between the exact same amount (which invalidates usage of that) if that exact same urine falls on the clothes, which does not invalidate (using it). And they make a difference between the urine of camels in a well which invalidates it even if it is one drop, and between the excrement of a camel, which does not invalidate the water. This is the exact same thing they opposed us on. They also make a difference between the excrement of horses which occurs on clothes if it is more than the amount of a dirham, it invalidates the prayer, and between the urine of the exact same horse which occurs on clothing, which does not invalidate the prayer, except if that urine covers one fourth of the clothing according to Abū Hanīfah and the amount of the distance between the tip of the pinky finger and the thumb according to Abū Yūsuf Al-Hanafī, which invalidates it only then. 300 And Zufar Al-Hanafī said, 'The urine of the animals which is permissible to be eaten is all pure but its excrement is impure. '301 And this is the exact same thing which they rejected about us. They also make a difference between the amount of vomit that fills the mouth and that the amount that does not fill the mouth.<sup>302</sup> They also make a difference between urine on the body, which

<sup>&</sup>lt;sup>298</sup> Al-Istidhkār 20/34-35

<sup>&</sup>lt;sup>299</sup> Al-Umm 2/50 | Al-Awsat 1/474-475

<sup>&</sup>lt;sup>300</sup> Al-Asl 1/73, 1/83 | Al-Mabsūt 1/54-55

<sup>&</sup>lt;sup>301</sup> Mukhtasar Ikhtilāf Al-'Ulamā' 1/130-131 Al-Istidhkār 3/213

<sup>&</sup>lt;sup>302</sup> Al-Asl 1/63 | Mukhtasar Ikhtilāf Al-'Ulamā' 1/162



cannot get cleaned by anything other than water and between urine on the clothes which can get cleaned by other than water.

If we would continue, it would fill an entire book.

If they say, 'Who said this view of yours that there is a difference between the urinator and the defecator stagnant water before you?'

We say: The Messenger of Allah, who did not come with falsehood, when he clarified us the ruling of the urinator and remained silent regarding the defecator and the one that spits in it and the one that blows his nose out in it. But instead you tell us: Who from the children of Adam made any of your differences before you? From the difference between the urine of sheep in the well and its urine on clothes and the urine of sheep on the body and its urine on the clothes and between the urine of the sheep that drinks impure water and the sheep that drinks pure water and between the urine on the urethral meatus and glans penis, and every other difference mentioned. This is that which no one has ever said before you. And all praise is for Allah, the Lord of all that exists. We do not reject a saying directly from the Qur'an and sunnah, even if we do not know anyone that said it. This is what they reject and do, the blame is upon them, not necessary on us. We only reject with the utmost rejection a saying in the religion of Allāh, and against Allāh, which Allāh and His Messenger said, this is, by Allāh the actual *munkar*, even if the everyone on earth said it."303

The Prophet also said when he was asked about a rat entering fat (ghee), he answered, "If it (the ghee) is solid, then throw it (the rat) away and whatever surrounds it (the rat). And if it (the ghee) is fluid then do not come close to it."

It is not allowed to apply this ruling for other than rats and also not other than ghee, such as oil, fat or a cat and dog, this is something the majority of them oppose, which is our method, in the exact same manner we understand the narration regarding the difference between the urinator, the one spilling urine and the defecator, which no one in reality is allowed to oppose. This exact method of ours is the exact same as that of the companions.

<sup>&</sup>lt;sup>303</sup> Al-Muhallā 2/317-322

<sup>304</sup> Sunan Abī Dāwūd 3842



Rashīd said, "Ibn 'Umar was asked about a rat entering ghee, he said, 'If it is fluid then throw all of it away, if it is solid then throw away the rat and that which surrounds it and eat what remains.'"<sup>305</sup>

Nāfi' said, "Ibn 'Umar was asked about a rat entering one hundred forty-four liters of oil, he said, 'Use it for lightning and as a flavor (for food)." 306

There is not a single difference between this and our view regarding the differences between the urinator, the one spilling urine and the defector. And All praise is for Allāh, the Most Exalted.

<sup>&</sup>lt;sup>305</sup> Sunan Al-Kubrā by Al-Bayhaqī 9/353

<sup>&</sup>lt;sup>306</sup> Al-Muṣannaf By 'Abd Al-Razzāq 1/86, 286



# Section: Regarding A Judge Issuing Judgments When He Is Angry

They say, "The Prophet said, 'No one must pass judgments between two when he is angry.' According to you, it is then allowed when he is scared, sad, starving, happy or in any other circumstance."

The state of anger is always prohibited under any circumstance, and all other circumstances among the ones you mentioned are not in of itself prohibited, any of these are only prohibited if it is known that it makes a judge rule with other than the Book of Allāh and the *sunnah* of His Messenger, because this is in general prohibited. No one with intellect can say to the judge unrestrictedly, 'Do not judge for you are hungry,' or sad.

<sup>307</sup> Sahīh Muslim 1717



#### Section: Regarding Sacrificing A Blind Animal

They say, "The Prophet prohibited slaughter for the sacrifice an one-eyed animal, so it is false to say that it is allowed to use a blind animal"

The answer: We do not allow a blind animal because of clear texts from the Prophet . 'Alī said regarding the sacrifices, "The Prophet ordered us to pay great attention to the eye and the ear." <sup>308</sup>

If it would not be for this narration, the prohibition of using one-eyed animals would as well indicate the prohibition, because one eyed in Arabic in reality is *'awar* which means unable to see with one of the eyes. And the one that is completely blind without any doubt has one blind eye. <sup>309</sup>

<sup>&</sup>lt;sup>308</sup> Sunan Ibn Mājah 3143, 4/319

<sup>&</sup>lt;sup>309</sup> Tāj Al- 'Arūs 13/154



### Section: Regarding Looking At The Women A Man Wants To Marry

They say, "According to you a man that wants to marry a woman is allowed to look at everything from the woman except the private parts, because the Prophet said regarding a woman a man wants to marry, "Look at her." 10

Some among the  $z\bar{a}hiriyyah$  believed in this, they say, "The original order is to lower the gaze from looking at women, then we find this order to look at her which is more specific, so we know that the obligation of lowering the gaze does not apply for the one that wants to marry."

This specification is incorrect, we will now clarify this with a clear clarification by the will or Allāh, so we say: we observe and know by necessity that the ruling of looking and showing/covering are two distinct rulings that do not imply something in the other. It is possible for there to be a ruling in which someone can show something which the other is not allowed to look at, these are two distinct rulings, just as it is established that a women can show her face which men are not allowed to look at. Beginning with the ruling of showing and covering, Allāh made two zīnah's for a woman as a ruling, the zāhirah, what she can show to everyone, which is the face, which we know from additional certain evidences, and the baţinah which is what Allāh prohibited to be seen from her and prohibited her to show, this is everything else of a woman, other than the face. She is not allowed to show this except for those specified as permissible, for women with women its known by necessity and as for women showing it to men it is in the verse which was revealed after the sixth hijri year, "And tell the believing women to... And not expose their zīnah except that which apparent (the zāhirah as mentioned before)... And not expose their zīnah except to their husbands, their fathers, their husbands' fathers, their sons, their husbands' sons, their brothers, their

<sup>310</sup> Sunan Al-Nasā'ī 3247



brothers' sons, their sisters' sons..." [24:31]. This is the first ruling associated with the situation of the issue in this topic.

The second ruling is that men are additionally ordered not to look at women in general, as Allāh ordered lowering the gaze for men in general as in Sūrah al-Nūr: 30.

Then there is the mere exception in the text of merely looking at a woman who a man wants to marry.

All of these rulings must be combined, so the Prophet @ only ordered, "Look at her." A man that wants to marry only looks then at the  $z\bar{a}hirah$  (face) which she is allowed to show to everyone and nothing more than that and allowing looking at the  $b\bar{a}tinah$  in such a case is transgressing the limits set by Allāh, this is an additional ruling above the ruling of looking at the  $z\bar{a}hirah$ , this requires additional evidences from the words of the Prophet @ for its permissibility, which is not authentically narrated on the topic, and Allāh did not include the man that wants to marry a woman among the men who are allowed to look at the  $b\bar{a}tinah$ .

The narration that the Prophet  $\approx$  said, "When one of you asks a woman in marriage, if he is able to look at what will induce him to marry from her, he should do so,"<sup>311</sup> this narration is not free from Muḥammad Ibn Isḥāq Ibn Yasār, the author of the *sīrah*, and he is not a *thiqah*.<sup>312</sup>

So the *ishkāl* is entirely resolved, we also clarified the correct method in these issues in great detail before, and all praise is for Allāh.

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<sup>311</sup> Sunan Abī Dāwūd 2082

<sup>&</sup>lt;sup>312</sup> Al-Musnad Al-Musannaf Al-Mu'allal 20/499 9425, 5/404 2750



# Section: Regarding Beating The One Walking In Front Of The Prayer Instead Of Killing

They say, "It is narrated that the Prophet said, 'When any of you prays facing something which conceals him from people and someone wishes to pass in front of him, he must turn him away; but if he refuses to go, then he must fight him, for he is a Satan.' So according to you if he hits him but does not kill him, he sins."

The answer: This depends on the ability and the circumstance. Because the Prophet said, "When any of you prays... And someone wishes to pass." So this ruling is not applied if he is not in front of him anymore. The Prophet also said, "Then he must fight him." This fighting depends on the ability of the person, if a person is able to do nothing other than a push, then he does not sin for that.

From the strangest of matters is that Abū Al-Walīd Al-Bājī said regarding this narration who they look up to, "This narration is interpreted to mean cursing and being violent." <sup>314</sup>

<sup>313</sup> Sunan Abī Dāwūd 700

 $<sup>^{314}</sup>$  Al-Mu<br/>ntaqa Sharḥ Al-Muwaṭṭa $^\circ$ 



## Section: Regarding Sacrificing A Sheep Older Than Two Years

They say, "The majority of the scholars allow sacrificing a sheep older than two years (*musinnah*, *thanī*), while you say it is not allowed to slaughter sheeps that are older than two years, because of the narration where the Prophet said, 'Do not slaughter except a *musinnah* (up to two years old), except if it becomes difficult, slaughter then a *jadha'ah* (the age between one and two years) from the sheep.'<sup>315</sup> While a *thaniyyah* is older than a *jadha'ah*! How is this possible?"

This is not our view, we do not allow slaughtering as a sacrifice any *jadha'ah* from any sheep in any circumstance, we allow only anything other than a *jadha'ah*, which is a *thanī* and older.

As for the narration you mentioned, it is weak because Abū Zubayr is a *mudallis* and he did not say in the narration that he heard it from Jābir, which he himself admitted, from the *tarīq* of Al-Layth Ibn Sa'd.<sup>316</sup> This narration is that which Abū Al-Zubayr was alone in narrating from Jābir Ibn 'Abdullah. This narration is also narrated by Abū Dāwūd<sup>317</sup>, Ibn Mājah<sup>318</sup>, Al-Nasā'ī<sup>319</sup>, Ibn Khuzaymah<sup>320</sup>, and others and none of them ever mention that he clearly heard from him, except what is narrated from Abū 'Awānah<sup>321</sup>, this is however *mu'allaq* and cannot be used as evidence, there is not a single *mutāba'ah* for this narration.

<sup>&</sup>lt;sup>315</sup> Sahīh Muslim 1963, 13

 $<sup>^{316}</sup>$  <br/> Du'afā' by Al-'Uqaylī 4/167-168 | Al-Kamil by Ibn 'Adī 6/124 | Al-Mughni Fī Al-<br/> Du'afā' 2/633 | Mīzān Al-I'tidāl 4/37

<sup>317</sup> Sunan Abī Dāwūd 2797

<sup>318</sup> Sunan Ibn Mājah 3141

<sup>&</sup>lt;sup>319</sup> Sunan Al-Kubrā 4/342, 4452 | Al-Mujtabā 4378

<sup>320</sup> Sahīh Ibn Khuzaymah 2918

<sup>321</sup> Mustakhraj Abū 'Awānah 5/74, 7843

There are other narrations narrated regarding the permissibility of using a *jadha'ah* for sacrifices, but all of these are abrogated the moment the Prophet said to Abū Burdah, "No *jadha'ah* will be valid for anyone after you."<sup>322</sup>

<sup>&</sup>lt;sup>322</sup> Ṣaḥīḥ Muslim 1961, 5



#### Section: Regarding The Prohibition Of Cannibalism

Some of them inquired, "Where do you then find the prohibition for eating the flesh of humans?"

Eating anything from any human is prohibited, whether they are infidels or Muslims, whether they are alive or dead, and whether it is a small or large part, even the nails, hairs and skin cannot be eaten. Allāh the Most Exalted said, "And spy not, neither backbite one another. Would one of you like to eat the flesh of his dead brother? You would hate it" [49:12]. So it is not allowed to eat anything Muslim.

And it is also obligatory to place any dead body, whether Muslim or infidel in the grounds, and this obligation applies for any body part, no matter how small it is. For the Muslims specifically, it must be washed, enshrouded, followed by a funeral prayer. The Prophet ordered on the day of *badr* to put the twenty-four corpses of the leaders of Quraish in a well of stones. Any body part that is eaten is a body part that is not buried, it goes against this order.

The Prophet also forbade mutilating Muslims and infidels in general if the body is dead. Leaving a body without burying it alone is already mutilating, and eating it is without any doubt mutilating.

The Prophet also ordered when banū Quraizah was killed to dig a ditch and to place them in that.

The Prophet also ordered Alī Ibn Abī Ṭālib when Alī told the Prophet that his uncle passed away to dig his father in a grave who was also an infidel.

So the one who does not place the bodies in the ground but instead eats them has not fulfilled the obligation. If anyone also eats any dead body in

<sup>323</sup> Sahīh Al-Bukhārī 3976

<sup>324</sup> Sahīh Al-Bukhārī 2474

<sup>325</sup> Sīrah Ibn Hishām 2/240



general then he mutilates him, even with a single bite and every single mutilation is in general prohibited for Muslims and infidels.

Another indication for its prohibition is that when Allāh said, "Unless you slaughter it [before its death]." [5:3]. Allāh prohibited eating any *maitah* and eating what has not been slaughtered before it died.

None of this is prohibited because of any *qiyās*.



### The Words Of Allāh Indicating The Falsehood Of Qiyās

Now that everything has been cleared, we will now clarify the certain evidences for the falsehood of *qiyās*, by the will of Allāh. Before we only mentioned some of the verses, and some of what is known by the Prophet on the topic. Here we will mention all of them collectively to make it more clear. Allāh said, "And Allāh will establish and make apparent the truth by His Words, however much the Mujrimūn (criminals, disbelievers, polytheists, sinners) may hate it" [10:82].

And He said, "Their Messengers said to them, 'We are no more than human beings like you, but Allāh bestows His Grace to whom He wills of His slaves. It is not ours to bring you an authority (proof) except by the Permission of Allāh'" [14:11].

And He said, "O you who believe! Make not a decision in advance before Allāh and His Messenger, and fear Allāh. Verily! Allāh is All-Hearing, All-Knowing. O you who believe! Do not raise your voices above the voice of the Prophet aloud to him in talk as you speak aloud to one another, lest your deeds become worthless while you perceive not" [49:1-2].

And He said, "Say, 'Tell me, what Allāh has sent down to you of provision! And what you have decided to prohibit and allow [from it]?' Say, 'Has Allāh allowed you to do so, or do you invent a lie against Allāh?' And what will be the supposition of those who invent falsehood about Allāh on the Day of Resurrection? Truly, Allāh is full of Bounty to mankind, but most of them are ungrateful" [10:59-60].

And He said, "There is not a moving (living) creature on earth, nor a bird that flies with its two wings, but are communities like you. We have neglected nothing in the Book, then unto their Lord they (all) will be gathered" [6:38].

And He said, "So do as you are commanded" [2:68].



And He said, "We (angels) do not descend but with the command of your Lord. To Him belongs what is in front of us and what is behind us and what is in between; and your Lord is never forgetful" [19:64].

And He said, "When you do not bring them a sign, they say: 'Why do you not invent one? Say, 'I follow only what is revealed to me by my Lord. This Book is nothing but evidence from your Lord and a guide and mercy to true believers" [7:203].

And He said, "And when Our verses are recited to them as clear evidences, those who do not expect the meeting with Us say: 'Bring us a Qur'ān other than this or change it.' Say: [O Prophet]: 'It is not for me to change it on my own accord. I follow nothing but what is revealed to me. Indeed I fear, if I should disobey my Lord, the punishment of a tremendous Day.' Say: 'If Allāh had willed, I would not have recited it to you, nor would He have made it known to you, for I had remained among you a lifetime before it. Do you not then understand?' So who is more unjust than he who forges a lie against Allāh or denies His signs? Indeed, the Mujrimūn (criminals, sinners, disbelievers and polytheists) will never be successful!" [10:15-17].

And He said, "And He knows whatever there is in the land and in the sea; not a leaf falls, except that he knows it. There is not a grain in the darkness of the earth nor anything fresh or dry, except that it is written in a manifest book" [6:59].

And He said, "And follow what is revealed to you, and be patient until Allāh will judge. And He is the best of judges" [10:109].

And He said, "And We did not send any Messenger except with the language of his people, in order that he might make (the Message) clear for them" [14:4].

And He said, "And follow that which is revealed to you from your Lord. Indeed Allāh is All-Aware of what you do" [33:2].

And He said, "These are two certain evidences from your Lord" [28:32]. And He said, "I have perfected your religion for you, completed My Favour upon you" [5:3].

And He said, "Say [O prophet], 'I am not different from the other messengers, and I do not know what will be done with me or with you. I follow nothing except what is revealed to me, and I am only a clear warner" [46:9].



And He said, "O you who have believed, do not say [to Allāh's Messenger]'  $R\bar{a}$  ' $in\bar{a}$ ' but say, ' $Unzurn\bar{a}$ ' and listen. And for the disbelievers is a painful punishment" [2:104].

And He said, "I have chosen you (for prophet-hood), So listen to that which will be revealed (to you)" [20:13].

And He said, "I am obliged to say nothing concerning Allāh except the truth" [7:105].

And He said, "I have not said to them anything except what You have ordered me to" [5:117].

And He said, "And whatever the Messenger brings you—accept it, and whatever he forbids you—abstain from it" [59:7].

And He said, "So let those who oppose the Messengers commandment beware, lest a trial afflict them or a painful punishment afflict them" [24:63]

And He said, "And when we heard the guidance (Qur'ān and *sunan*), we believed in it" [72:13]

And He said, "They said, "Do we have any say in the matter?' Say, 'Indeed, the matter belongs completely to Allāh" [3:154].

And He said, "Or they say, 'He (the Prophet) forged it (the Qur'ān).' Say, 'Then produce ten forged Surahs like it, and seek [for it] help from whomsoever you can, other than Allāh, if you speak the truth!'" [11:13].

And He said, "So be patient for the decision of your Lord and obey neither a sinner nor a disbeliever among them" [76:24]

And He said, "So, do not put forward similitudes for Allāh (as there is nothing similar to Him, nor He resembles anything). Truly! Allāh knows and you know not" [16:74]

And He said, "Look how they strike for you comparisons; but they have gone misguided, so they cannot find the (right) way" [17:48]

And He said, "And if one of them is informed of the news of that which he sets forth as a parable to the Most Gracious (Allāh), his face becomes dark, and he is filled with grief!" [43:17]

And He said, "Allāh intends to make clear to you [the lawful from the unlawful]" [4:26] ... Verily, His Command, when He intends a thing, is only that He says to it, 'Be!' - and it is!" [36:82]

And He said, "He has explained to you in detail what is forbidden to you, except under compulsion of necessity" [6:119]

And He said, "Indeed lost are they who have killed their children, foolishly, without knowledge, and have forbidden that which Allāh has



provided for them, inventing a lie against Allāh. They have indeed gone astray and were not guided" [6:140]

And He said, "And it is the day when the unjust bites his hands, saying, 'If only I had followed the way with the Messenger! Woe to me! I wish I had not taken so-and-so as a close friend! He (Satan) definitely made me stray away from *dhikr* (Qur'ān and *sunan*) after it had come to me.' And Satan has always been a betrayer of man. And the messenger will say: 'O my Lord, my people had taken this Qur'ān as a thing to be deserted" [25:2730].

And He said, "And know that among you is the Messenger of Allāh. If he were to obey you in much of the matter you would be in difficulty, but Allāh has endeared to you the faith and has made it pleasing in your hearts and has made hateful to you disbelief, defiance and disobedience. Those are the [rightly] guided" [49:7].

And He said, "But whoever opposes the Messenger after guidance has become evident to him and follows other than the way of the believers, We will turn him towards what he has turned to and roast him in Hell—and what an evil destiny!" [4:115].

And He said, "The response of the (way of the) believers when they are called to Allāh and His Messenger that he (the messenger) may judge between them has always been to say, 'We have heard and obeyed, for those are the successful'" [24:51].

And He said, "And (We have sent you as a Messenger) lest, in case they suffered a calamity because of what their hands put forth [of sins] and [they would] say, 'Our Lord, why did You not send a messenger to us, so that we might have followed your verses and been among the believers?" [28:47].

And He said, "It is not for any believing man or believing woman, when Allāh and His Messenger have decreed a command, to have a choice in their affair. And whoever disobeys Allāh and His Messenger, then he has strayed into evident misguidance" [33:36].

And He said, "But no, by your Lord, they will not [truly] believe until they make you, [O prophet], judge concerning that over which they dispute among themselves and then find within themselves no discomfort from what you have judged and submit in [full, willing] submission" [4:65]

And He said, "And when they hear what was sent down to the Messenger, you see their eyes overflowing with tears for what they recognize of the truth; they say: 'Our Lord, we have attained faith, so write us down with those who bear witness'" [5:83]



And He said, "Our Lord, we have attained faith in what You have sent down and we have followed the Messenger, so inscribe us among those who bear witness" [3:53].

And He said, "Are you more knowledgeable or Allāh?" [2:140].

And He said, "O Dāwūd, indeed We have made you a *khalīfah* upon the earth, so judge between the people in truth and do not follow [any] desire, as it will lead you astray from the way of Allāh" [38:26].

And He said, "And obey Allāh and His Messenger, and do not disagree with each other lest you falter and your strength depart. And be patient. Indeed, Allāh is with the patient" [8:46]

And He said, "And verily, this (Allāhs commandments) is My path that is straightforward. So, follow it, and do not follow (any other) paths, lest they should make you deviate from His way. This He has ordained for you that you may become the pious" [6:153]

And He said, "And they say, 'The Most Gracious (Allāh) has begotten a son (or children).' Glory to Him! They [whom they call children], are but honored slaves. They do not speak until He has spoken, 'only' acting at His command" [21:26-27].

And He said, "And when it is said to them, 'Come to what Allāh has revealed and to the Messenger, you see the hypocrites turning away from you in aversion" [4:61].

And He said, "And We made the *qiblah* (prayer direction towards Jerusalem) which you used to face, only so We may distinguish the one who follows the Messenger from the one who turns on his heels. And it was indeed difficult, except for those whom Allāh has guided" [2:143].

And He said, "[This is] a Book whose verses are perfected and then presented in detail from [one who is] All-Wise and All-Aware" [11:1].

And He said, "And We sent not before you except men to whom We revealed [Our message]. So ask *ahl al-dhikr* (People of the Qurʿān and the *sunan*) if you do not know. [We sent them] with clear proofs and written ordinances. And We revealed to you *dhikr* (Qurʿān and *sunan*) that you may make clear to the people what was sent down to them and that they might give thought" [16:44-45].

And He said, "Say, 'Who has forbidden the adornment of All which He has produced for His servants and the good [lawful] things of provision.' Say, 'They are, in the life of this world, for those who believe, (and) exclusively for them (believers) on the Day of Resurrection (the disbelievers will not

share them).; Thus We explain the verses in detail for people who have knowledge" [7:32].

And He said, "And Allāh has brought you out from the wombs of your mothers not knowing a thing" [16:78] ... And Allāh teaches you. And Allāh is Knowing of all things" [2:282] ... As also We have sent in your midst a messenger from among you, who recites to you Our verses, and purifies you, and teaches you the Book (Qurʿān) and the wisdom (*sunan*), and teaches you what you did not know" [2:151] ... Say: 'My Lord has only forbidden immoralities - what is apparent of them and what is concealed - and sin, and oppression without right, and that you associate with Allāh that for which He has not sent down authority, and that you say about Allāh that which you do not know" [7:33].

And He said, "O Messenger! Proclaim (the Message) which has been sent down to you from your Lord. And if you do not, then you have not conveyed His Message. Allāh will protect you from mankind. Verily, Allāh guides not the people who disbelieve" [5:67].

And He said, "They have no knowledge about it. They only follow conjecture, but conjecture is of no avail against the truth" [53:28].

And He said, "Say, 'If I go astray, I go astray only to my own loss; but if I am guided, it is by what my Lord reveals to me; He is indeed All-Hearer, Ever Near (to all things)" [34:50].

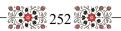
And He said, "Indeed, We have revealed to you, [O Prophet], the Book in truth so you may judge between the people by that which Allāh has shown you. And do not be for the deceitful an advocate" [4:105].

And He said, "We have sent down to you the Book as an explanation of everything, and as a guidance, mercy and glad tidings for the Muslims" [16:89]

And He said, "So once We have recited a revelation 'through Gabriel', follow its recitation 'closely'. Then it is surely upon Us to make it clear 'to you'" [75:18-19].

And He said, "And you uttered with your mouths that of which you had no knowledge and thought it was insignificant while it was, in the sight of Allāh, tremendous" [24:15].

And He said, "And your Lord creates whatsoever He wills and chooses: no choice have they (in any matter)" [28:68].



And He said, "And judge, [O prophet], between them by what Allāh has revealed and do not follow their inclinations and beware of them, lest they tempt you away from some of what Allāh has revealed to you" [5:49].

And He said, "That is because those who disbelieve follow falsehood, while those who believe follow the truth from their Lord. Thus does Allāh set forth for mankind their parables" [47:3].

And He said, "Then have they not reflected over the word [what is sent down to the Prophet], or has there come to them that which had not come to their forefathers? Or did they not know their Messenger, so they are toward him disacknowledging?" [23:68].

And He said, "The Prophet is closer to the believers than their ownselves" [33:6].

And He said, "Mankind were one community and Allāh sent Prophets with glad tidings and warnings, and with them He sent down the Scripture in truth to judge between people in matters wherein they differed. And only those to whom (the Scripture) was given differed concerning it after clear proofs had come unto them through hatred, one to another. Then Allāh by His Leave guided those who believed to the truth of that wherein they differed. And Allāh guides whom He wills to the Straight Path" [2:213].

And He said, "O you who have believed, do not prohibit the good things which Allāh has made lawful to you and do not transgress" [5:87].

And He said, "And verily, among them is a party who distort the Book with their tongues (as they read), so that you may think it is from the Book, but it is not from the Book, and they say: 'This is from Allāh, but it is not from Allāh; and they speak a lie against Allāh while they know it" [3:78]. And He said, "And what is there, after truth, but error?" [10:32].

And He said, "And do not follow a thing about which you have no knowledge. Surely, the ear, the eye and the heart, each one of them shall be interrogated about" [17:36].

And He said, "Do not mix truth with falsehood" [2:42].

And He said, "Had your Lord willed, He would have made all the people a single community. But, they will continue to differ except those shown mercy" [11:118-119].

And He said, "Thus Allāh judges; nothing can reverse His judgment" [13:41].



And He said, "And do not be like those who became divided and fell into disputes after the clear signs had come to them. And for them there is grave punishment" [3:105].

And He said, "Say, 'Bring forward your witnesses who will testify that Allāh has prohibited this.' And if they testify, do not testify with them. And do not follow the desires of those who deny Our verses and those who do not believe in the Hereafter" [6:150].

And He said, "And hold firmly to the rope of Allāh all together and do not become divided" [3:103].

And He said, "And to Allāh return all matters (for decision)" [8:44].

And He said, "He shares his Hukm (ruling) with none in partners" [18:26].

And He said, "Or do they have partners who have legislated for them as religion that which Allāh has not ordained? And had it not been for a decisive Word (gone forth already), the matter would have been judged between them" [42:21].

And He said, "Then We put you, [O Prophet], on an ordained way concerning the matter [of religion]; so follow it and do not follow the inclinations of those who do not know" [45:18].

And He said, "O Prophet, why do you prohibit [yourself from] what Allāh has made lawful for you, seeking the approval of your wives? And Allāh is Forgiving and Merciful" [66:1].

And He said, "Fight those who do not believe in Allāh nor in the Last Day, and do not prohibited what Allāh and His Messenger have prohibited" [9:29].

And He said, "O you who believe! Ask not about things which, if made plain to you, may cause you trouble. But if you ask about them while the Qur'ān is being revealed, they will be made plain to you. Allāh has forgiven that, and Allāh is Oft-Forgiving, Most Forbearing. Before you, a community asked such questions, then on that account they became disbelievers" [5:101-102].

And He said, "And We appointed leaders from among them who guided (people) under Our command, when they observed patience, and kept firm belief in Our verses" [32:24].

And He said, "And do not say lies concerning that which your tongues describe: 'This is lawful and this is unlawful, in order to fabricate lies and



attribute them to Allāh; indeed, those who fabricate lies and attribute them to Allāh do not succeed" [16:116].

And He said, "And he does not speak out of desire it is only a revelation revealed [to him]" [53:3-4].

And He said, "We said, 'Go down from it, all of you.' And when guidance comes to you from Me, anyone who follows My guidance will have no fear, nor will they grieve" [2:38].

And He said, "Was not the covenant of the Book taken from them that they would not say about Allāh anything but the truth" [7:169].

And He said, "No matter what any of you may have differed over in any way, its ruling is to be referred to Allāh. That One is Allāh, the Lord of mine; in Him alone I have placed my trust, and to Him alone I turn (in every matter)" [42:10].

And He said, "Never was it (the Qur'ān) a narration invented, but a confirmation of what was before it and a detailed explanation of all things and guidance and mercy for a people who believe" [12:111].

And He said, "Follow, [O mankind], what has been revealed to you from your Lord and do not follow other than Him any allies" [7:3].

And He said, "After this, it is you who kill one another and drive out a party of you from their homes, assist (their enemies) against them, in sin and transgression. And if they come to you as captives, you ransom them, although their expulsion was forbidden to you. Then do you believe in a part of the Scripture and reject the rest? Then what is the recompense of those who do so among you, except disgrace in the life of this world, and on the Day of Resurrection they shall be consigned to the most grievous torment. And Allāh is not unaware of what you do" [2:85].

And He said, "Had it been from other than Allāh, they would surely have found therein many a contradiction" [4:82].

And He said, "Have you seen the one who takes as his god his own Hawa (desire)?" [25:43].

And He said, "And whoever does not judge by what Allāh has sent down, then, they are the disbelievers" [5:44].

And He said, "But those among them who did wrong changed the word that had been told to them. So We sent on them a torment from the heaven in return for their wrong-doings" [7:162].

And He said, "O you who believe, if you fear Allāh, He will provide you with a criterion (a criterion to judge between right and wrong)" [8:29].



And He said, "Say, 'Is it the two males He has forbidden or the two females or that which the wombs of the two females contain?' Or were you witnesses when Allāh charged you with this? Then who is more unjust than one who invents a lie about Allāh to lead mankind astray without knowledge?" [6:144].

And He said, "Then they found one of Our slaves, on whom We had bestowed mercy from Us, and whom We had taught knowledge from Us" [18:65].

And He said, "The postponing (of a Sacred Month) is indeed an addition to disbelief: thereby the disbelievers are led astray, for they make it lawful one year and forbid it another year in order to adjust the number of months forbidden by Allāh, and make such forbidden ones lawful. The evil of their deeds is made fair-seeming to them. And Allāh guides not the people who disbelieve" [9:37].

And He said, "Have you not seen those who claim to have believed in what was revealed to you, [O Prophet], and what was revealed before you? They wish to refer legislation to false deities while they were commanded to reject it; and Satan wishes to lead them far astray" [4:60].

And He said, "Say, 'If 'all' humans and jinn were to come together to produce the equivalent of this Qur'ān, they could never bring forth any like of it no matter how much assistance they lent one another" [17:88].

And He said, "And I do not intend to differ from you in that which I have forbidden you" [11:88].

And He said, "Is it not sufficient for them that We have sent down to you the Book (the Qur'ān) which is recited to them? Verily, herein is mercy and a reminder (or an admonition) for a people who believe" [29:51].

And He said, "And if you dispute over anything, refer it to Allāh and the Messenger, if you should believe in Allāh and the Last Day. That is the best [way] and best in result" [4:59].

And He said, "Verily, We, it is We Who have sent down the Dhikr (Qur'ān and *sunan*) and surely, We will guard it" [15:9].

And He said, "These are the limits (Rulings) of Allāh, so do not transgress them. And whoever transgresses the limits of Allāh - it is those who are the wrongdoers" [2:229].

And He said, "And We have not revealed to you the Book, [O Prophet], except for you to make clear to them that wherein they have differed" [16:64].

And He said, "Say (O Prophet), 'I do not tell you that with me are the treasures of Allāh, nor (that) I know the Unseen; nor do I tell you that I am an angel. I follow nothing except what is revealed to me.' Say, 'Are the blind and the one who sees equal? Will you not then take thought?" [6:50].

And He said, "And they say, 'Never will the Fire touch us, except for [a few] numbered days.' Say, 'Have you taken a covenant with Allāh? For Allāh will never break His covenant. Or do you say about Allāh that which you do not know?" [2:80].

## Section: All Words Attributed To The Prophet # Indicating The Falsehood Of *Qiyās*

Some of these narrations are not authentic, we seek refuge in Allāh from using any weak narration as evidence in the Religion of Allāh, our opponents however never cease authenticating weak narrations that are from the likes of these, so these imply against them.

The Prophet  $\stackrel{\text{def}}{=}$  said, "My *ummah* will split up in over seventy sects. The most disastrous among them are those who use *qiyās* among their opinion, they make *ḥalāl* what is *ḥarām* and make *ḥarām* what is *ḥalāl*."

The Prophet said, "I left for you two matters, as long as you hold on to it, you will not be misguided: The book of Allāh and the *sunnah* of the Messenger of Allāh."

The Prophet  $\approx$  said, "Whoever interprets with his Ra ' $\bar{\imath}$  the Qur'  $\bar{\imath}$  takes his place in the hellfire,"  $^{328}$ 

The Prophet said, "Allāh does not take away the knowledge, by taking it away from (the hearts of) the people, but takes it away by the death of the 'Ulamā', till when none of them remains. People will then take from the ignorant who when consulted will give their verdict without knowledge. They are misguided and misguide." 329

The Prophet  $\stackrel{\text{def}}{=}$  said, "This *ummah* will use the book of Allāh and the *sunnah* of his Messenger for a while. Then they will use  $Ra \, \bar{\imath}$ , when they will use that, they will be misguided."<sup>330</sup>

The Prophet said, "Beware of zann! For zann is the most false form of talk."

<sup>326</sup> Al-Mustadrak 'Alā Al-Ṣaḥīḥayn 6325, 3/631

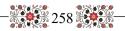
<sup>&</sup>lt;sup>327</sup> Jāmi Bayān al-'Ilm Wa Fadlihi 1389, 1/755

<sup>&</sup>lt;sup>328</sup> Musnad Ahmad 2069, 3025

<sup>&</sup>lt;sup>329</sup> Şaḥīḥ Al-Bukhārī 100, 1/31

<sup>&</sup>lt;sup>330</sup> Jāmi ʿBayān al-ʿIlm Wa Fadlihi 1998

<sup>&</sup>lt;sup>331</sup> Şaḥīḥ Al-Bukhārī 5134, 5144



The Prophet said, "The greatest sinner amongst the Muslims, is the one who asked about what had not been prohibited for the Muslims and it became prohibited for them because of him persistently asking about it."

Muʿāwiyah said, "The Prophet prohibited difficult in depth questioning regarding issues."<sup>333</sup>

Abū Hurairah said, "The Prophet delivered a sermon to the people, saying, 'O people Allāh has obliged for you hajj, so perform hajj.' A man inquired, 'O Messenger of Allāh, do we have to do it every year?' He repeated this question thrice. The Prophet responded, 'Indeed, if I were to say 'yes,' it would indeed become an annual obligation for you, as long as you have the capability to fulfill it. However, leave me just as I leave you. The destruction of nations before you came as a result of their excessive questioning and disputes about their prophets. So if I forbid you from something, refrain from it, and if I command you to do something, perform it to the best of your ability." 334

Jābir Ibn 'Abdullah said, "We were with the Prophet and he drew a line (in the sand), then he drew two lines to its right and two to its left. He said, 'This is the path of satan.' Then he put his hand on the middle line and said, 'This is the path of Allāh.' Then he recited the verse, 'And verily, this (Allāhs commandments) is My path that is straightforward. So, follow it, and do not follow (any other) paths, lest they should make you deviate from His way.' [6:153]" 335

The Prophet said, "The best discourse is the book of Allāh, the best guidance is what is revealed to Muḥammad, and the worst matters are innovation for every innovation is misguidance. I am closer to the believers than themselves." 336

The Prophet  $\stackrel{\text{def}}{=}$  said, "After me there will be men who make known to you (their falsehood), from what you reject. And they will reject what you know (from the *sunan*). There is no obedience to who disobeys and do not act according their Ra  $\bar{\tau}$ ." 337

<sup>&</sup>lt;sup>332</sup> Jāmi Bayān al- Ilm Wa Fadlihi 2048

<sup>&</sup>lt;sup>333</sup> Jāmi Bayān al- Ilm Wa Faḍlihi 2038

<sup>334</sup> Şahīh Al-Bukhārī 7288

<sup>&</sup>lt;sup>335</sup> Al-Sharī ah by Al-Ājurrī 13, 1/293

<sup>336</sup> Sahīh Muslim 867

<sup>337</sup> Al-Madkhal Ilā Al-Sunan Al-Kubrā 206



The Prophet  $\stackrel{\text{def}}{=}$  said, "No *mu'min* has complete  $\bar{\imath}m\bar{a}n$  except if his desires follow what is revealed to me."<sup>338</sup>

The Prophet said, "Indeed Allāh has made a parable of the path that is straightforward: at the sides of the path there are walls with open doors, each door having a curtain. There is a caller at the head of the path calling, and a caller above it calling, 'Allāh calls to the Home of Peace (Paradise) and guides whom He wills to the Straight Path' [10:25]. The doors which are on the sides of the path are the <code>hudūd</code> of Allāh (limits set by Allāh); no one transgresses the <code>hudūd</code> of Allāh except that curtain is lifted, and the one calling from above it is his Lord."<sup>339</sup>

The Prophet said, "Beware of innovations. Indeed the most evil matters are innovations, every innovation is a misguidance and every misguidance is in the fire." 340

The Prophet  $\stackrel{\text{def}}{=}$  said, "Six are cursed by me and all Prophets that preceded me: the one that adds on to the book of Allāh, the one rejecting *qadar*, the one who rules with tyranny by which he honors whom Allāh has debased, and he dishonors whom Allāh has honored, and the one who makes  $hal\bar{a}l$  what Allāh made  $har\bar{a}m$ , and the one from my family who makes  $hal\bar{a}l$  what Allāh made  $har\bar{a}m$ , and the abandoner of my *sunnah*."

Jābir said, "'Umar came to the Prophet \* with a book (from the Jews and Christians) he found. The Prophet \* then became angry and said, 'Is there misguidance in it O Ibn Al-Khaṭṭāb. By him in whose hands is my soul. I have certainly come to all of you with pure whiteness. If Mūsā were alive, he would do nothing but follow me."<sup>341</sup>

The Prophet said, "Indeed for every act, there is a zeal, and every zeal has a slackening. Whoever turns to the *sunnah* [even] while he is slackened has been guided, and whoever when slackened turns to anything else perishes." 342

The Prophet said, "Whoever does an anything contrary to our way

<sup>338</sup> Al-Madkhal Ilā Al-Sunan Al-Kubrā 209

<sup>339</sup> Sunan Al-Tirmidhī 2859

<sup>&</sup>lt;sup>340</sup> Al-Sunnah by Ibn Abī 'Āsim 25, 1/16

<sup>&</sup>lt;sup>423</sup> Al-Mustadrak 'Alā Al-Sahīhayn 3983

 $<sup>^{341}</sup>$  Al-Sunnah by Ibn Abī ʿĀṣim 50

<sup>&</sup>lt;sup>342</sup> Al-Sahīh Al-Musnad Mimma Laysa Fī Al-Sahīhayn 802, 1/525



will have it rejected."343

The Prophet  $\stackrel{\text{\tiny{def}}}{=}$  said, "Whoever turns away from my sunnah is not from me."  $^{344}$ 

The Prophet said, "My *ummah* will split into seventy-three sects. One of them is in *jannah* and seventy-two in the fire. You will certainly follow the ways of those who came before you, arm's length by arm's length, forearms length by forearms length, hand span by hand span, until even if they entered a hole of a mastigure (lizard) you will enter it too." The people asked said, "O Messenger of Allāh, do you mean [they will follow] the Jews and the Christians?" The Prophet said, "Who else?" said, "Who else?"

Ibn 'Umar said, "[My father] 'Umar saw 'Uṭārid Al-Tamīmī standing in the market (and selling) the silk garments, and he was the person who went to (courts of) kings and got (high prices) for these garments from them. 'Umar said, "O Messenger of Allāh, I saw 'Uṭārid standing in the market with a silk garment; could you buy it and wear it for (receiving) the delegations of Arabs when they visit you? You may wear it on Friday also.' Thereupon, the Prophet said, 'He who wears silk in this world has no share in the Hereafter.' Later on when these silk garments were presented to the Prophet he presented one silk garment to 'Umar and presented one also to Usama Ibn Zayd and gave one to 'Alī Ibn Abū Ṭālib. the Prophet then said, 'Tear them and make head coverings for your ladies.' 'Umar came carrying his garment and said, 'O Messenger of Allāh, you have sent it to me, whereas you had said yesterday about the (silk) garment of 'Uṭārid what you had to say.' The Prophet said, 'I have not sent it to so that you can wear it, I only sent It to you so that you may derive benefit out of it.'

Usāmah wore the garment (presented to him) and appeared to be brisk, the Prophet looked at him with a look by which he perceived that the Messenger of Allāh rejects what he had done. Usama said, 'O Messenger of Allāh, why is it that you look at me like this, whereas you yourself gave it to me?' He said, 'I never sent it to you to wear it, I only sent It to you so that you may tear it and make out head covering for your wives."

<sup>345</sup> Al-Musannaf by Ibn Abī Shaybah 37376, 7/479

<sup>&</sup>lt;sup>343</sup> Al-Sunnah by Ibn Abī ʿĀṣim 52

<sup>344</sup> Sahīh Muslim 1401

<sup>&</sup>lt;sup>346</sup> Sahīh Muslim 2068, 3/1639

Ibn 'Umar narrated, "The Messenger of Allāh said when 'Umar interrupted him when the Prophet prayed for 'Abdullāh ibn Ubayy (the  $k\bar{a}fir$ ), 'Indeed, Allāh has only given me a choice.' Then the Prophet recited, 'Whether you ask forgiveness for them or do not ask forgiveness for them, if you ask forgiveness for them seventy times, Allāh will not forgive them that' [9:80]. (The Prophet said:) 'And I will increase beyond seventy.'"<sup>347</sup>

'Umar said. "I remember going against the order of the Prophet with my Ra'ī by ijithād, by Allāh I did not want to diminish the truth. This was on the day Abū Jandal and the book were with the Prophet and the people of Makkah. He said, 'Write: In the Name of Allāh.' They said, 'We believe what you say, but if you could write as you wrote, 'In your name, O Allāh.' Then the Prophet was pleased with that, but I rejected it, till the Prophet said, 'You saw me pleased with it, but you reject it?' So I became pleased with it."<sup>348</sup>

The Prophet said, "Whoever issues a verdict without 'ilm (Qur'ān and sunnah only, as Allāh said, 'We have no 'ilm except what you have taught us' [2:32]), the sin is on the one issuing the verdict."

The Prophet said, "They killed him, may Allāh kill them! Could they not ask when they did not know? The cure for ignorance is inquiry (the Qurʿān and sunnah)." 350

Abū Hurairah said, "The Messenger of Allāh spoke about treasure and zakāh on camels, cattle, horses, and weight. Then the Prophet was asked about donkeys and he replied, 'Nothing has been revealed to me regarding donkeys except this comprehensive verse which includes everything, 'So whoever does good equal to the weight of an atom shall see it; and whoever does evil equal to the weight of an atom shall see it.""

The Prophet said, "The Children of Isrā'īl were not destroyed until the number of those born among them from the offspring of slaves of other

<sup>&</sup>lt;sup>347</sup> Sahīh al-Bukhārī 4670

<sup>348</sup> Musnad Al-Bazzār 148

<sup>&</sup>lt;sup>349</sup> Al-Jāmi Al-Şahīh Li Al-Sunan Wal-Masānīd 8/447

<sup>&</sup>lt;sup>350</sup> Al-Jāmi Al-Sahīh Li Al-Sunan Wal-Masānīd 8/448

<sup>351</sup> Sahīh Al-Bukhārī 4963



nations increased. They began to adopt  $qiy\bar{a}s$  in the religion, and thus they perished and were ruined." <sup>352</sup>

The Prophet  $\cong$  said, "Whoever says regarding the religion with his Ra  $\tilde{\imath}$ , kill him."

The Prophet said, "You do not know whether (your ruling) goes according the ruling of Allāh regarding them or not." 354

<sup>352</sup> Al-Fiqh Wal-Mutafaqqih 1/451

<sup>353</sup> Al-Fiqh Wal-Mutafaqqih 1/451

<sup>354</sup> Sunan Abī Dāwūd 2612



## *Ijmā* 'Of The *Salaf* On The Falsehood Of *Qiyās*

It is now clear that the Prophet  $\stackrel{\text{def}}{=}$  did not use any  $qiy\bar{a}s$ , did not teach us how to use it, when it must be used, its pillars and forty conditions, and that he instead explicitly prohibited it. It is also now clear that none of the companions ever used  $qiy\bar{a}s$ , from what has preceded and that none of them had any  $ijm\bar{a}$ , regarding a single issue because of  $qiy\bar{a}s$ . We will now also clarify that the salaf instead had an  $ijm\bar{a}$  on the falsehood of  $qiy\bar{a}s$ . Numerous narrations from  $sah\bar{a}bah$  explicitly reject the validity of  $qiy\bar{a}s$ . We've previously touched upon a few of these narrations. We will now mention all of them from  $sah\bar{a}bah$ , then the  $t\bar{a}bi$   $\bar{u}n$  and subsequent generations, by the will of Allāh.

Abū Hurairah said to Ibn 'Abbās, "O son of my brother, if you hear a hadīth from the Prophet #, then do not apply examples to them." 355

Samurah Ibn Jundub said, "The Prophet said, 'Do not call your sons Yasār, Rabāḥ, Najīḥ and also not Aflaḥ.'" Samurah said, "Is there anyone present with these names?" It was said, "No." Samurah said, "The only prohibited names are these four, do not add on to them any."

Samurah Ibn Jundub firmly opposed the use of  $qiy\bar{a}s$  and said that it is a transgression of the Prophet's rulings . He invalidated anyone who would say, "So this ruling should also apply to Khayrah, Sa'd, and Faraj, because they have the same ugliness" Instead us and Samurah would say, "Did the Prophet mention Sa'd? Did he mention Faraj? Did he mention Khayrah in the  $nus\bar{u}s$ ?" Samurah pointed out that the Prophet never permitted the derivation of additional rulings what is not explicitly mentioned in  $nus\bar{u}s$ . If it is claimed that the mention in the narration about the prohibition of names besides the four is directly from the Prophet and not from Samurah, the response is that this would further invalidate the argument, as it would

<sup>355</sup> Al-Jāmiʿ Al-Ṣaḥīḥ Li Al-Sunan Wal-Masānīd 23/375

<sup>&</sup>lt;sup>356</sup> Sunan Abī Dāwūd 4958, 4/290



introduce another  $marf\bar{u}$ ' narration directly prohibiting  $qiy\bar{a}s$  and instructing adherence solely to the  $nus\bar{u}s$ .

'Ubayd Ibn Fayrūz said, "I said to Al-Barā' Ibn 'Āzib, 'Tell me about the sacrificial animals that the Prophet disliked or prohibited.' He then said that the Prophet said, 'There are four that are not valid as sacrifices: the animal that clearly has one bad eye, the sick animals that is obviously sick, the lame animal with an obvious lamp, and the animal that is so emaciated that it is as if there is no marrow in its bones.' Fayrūz said, 'And I dislike sacrificing if an animal has defects in its horns or ears.' Al-Barā' said, 'What you dislike, forget about it, and do not make it forbidden for anyone."

'Umar said, "Beware from the companions of  $Ra'\bar{\imath}$ , for they are the enemy of the *sunan*"

Yazīd Dhū Miṣr said, "I came to 'Utbah Ibn 'Abd Al-Sulamī and said, 'O Abū al-Walīd, I went out seeking sacrificial animals. I did not find anything which attracted me except an animal whose teeth have fallen, but I dislike prohibit it. What do you say about it?' He said, 'Why did you not bring it to me?' He said, 'Glory be to Allāh. Is it lawful for you and not lawful for me?' He said, 'Yes, you doubt and I do not doubt. The Messenger of Allāh has only forbidden an animal whose ear has been uprooted so much so that its hole appears (outwardly), and an animal whose horn has broken from the root, and an animal which has totally lost the sight of its eye, and an animal which is so thin and weak that it cannot go with the herd, and an animal with a broken leg (and not anything other than that.'"<sup>358</sup>

'Abdullah ibn 'Abbās said, "The people during the times of ignorance time used to eat some food and not eat other food, considering them dirty. Then Allāh sent His Messenger and sent down His Book, allowing what is *ḥalāl* and prohibited what is *ḥarām*; so what He made *ḥalāl* is *ḥalāl*, what he *ḥarām* is *ḥarām*, and what he said nothing about is *ḥalāl*."

Abū Hilāl said, "I asked Qatādah regarding an issue and he said, 'I don't know.' Then Abū Hilāl said tell it with Ra  $\bar{\tau}$ . Qatādah replied, 'I have not answered anything with Ra  $\bar{\tau}$  for forty years.""<sup>360</sup>

Abū Bakr said, "What land would shelter me if I said regarding the

<sup>&</sup>lt;sup>357</sup> Al-Sunan Al-Kubrā 4444, 4/339

<sup>358</sup> Sunan Abī Dāwūd 2803, 4/428

<sup>359</sup> Sunan Abī Dāwūd 3800, 3/354

<sup>&</sup>lt;sup>360</sup> Al-Jāmi Al-Sahīh Li Al-Sunan Wal-Masānīd 8/453



Qur'ān with my Ra'ī."361

Masrūq said, "A writer wrote regarding an issue 'Umar gave a fatwā on, 'This is what Allāh showed 'Umar.' 'Umar scolded him and told him to change it to, 'This is 'Umars Ra'ī, if it is correct, it is from Allāh if it is wrong it is from 'Umar.'"<sup>362</sup>

Al-Mu'alla Ibn Ziyad Ibn Al-Ḥasan, "When 'Umar was walking in some streets of Madīnah, a man stepped on his heel and broke his shoes. 'Umar then lashed him. The man said, 'O amīr al-mu'minīn you hit me and oppressed me. By Allāh I did not intend to break your shoe.' Then the whip was thrown to him and 'Umar said to him, 'Take it and use it for qiṣaṣ. Some people said, 'Forgive amīr al-mu'minīn.' 'Umar said, 'I do not want his forgiveness. However if you wish I can lead you to something better. He recited the verse, 'But if anyone remits the retaliation by way of charity, it shall be for him an expiation' [5:45].' 'Umar said, 'I will remit it by way of charity.' 'Umar then brought a slave and gave it to him as a servant.'"<sup>363</sup> 'Umar prohibited qiyās to accept forgiveness because of what is manṣūṣ from Ṣadaqah while their 'illah are the same.

Mujāhid said, "'Umar Ibn Al-Khaṭṭāb prohibited  $muk\bar{a}$ 'alah, meaning  $qiy\bar{a}s$ ."

'Alī said, "If the religion would be based on Ra' $\bar{\iota}$ , it would be more important to wipe the under part of the shoe than the upper, but I have seen the Prophet "wipe over the upper part of his shoes." This is directly 'Alī rejecting and invalidating ta' $l\bar{\iota}$ l,  $qiy\bar{a}s$  al-'aks any  $qiy\bar{a}s$  and Ra' $\bar{\iota}$ .

Shuraiḥ said, "I only give verdicts from the narrations of the Messenger of Allāh."<sup>366</sup>

Al-A'mash said, "I asked Abū Wā'il, 'Did you take part in the battle of Ṣiffīn?' He said. 'Yes, and I heard Sahl Ibn Ḥunaif (when he was blamed for lack of zeal for fighting) saying, '[You should not consider me a coward but] blame your false *Ra'ī*. I saw myself on the day of Abū Jandal (inclined to fight), and if I had the power of refusing the order of Allāh's Apostle then, I

<sup>&</sup>lt;sup>361</sup> Al-Muşannaf by Ibn Abī Shaybah 30107, 6/136

<sup>&</sup>lt;sup>362</sup> Sunan Al-Kubrā 20348, 10/197

<sup>363</sup> Al-Ihkām Fī Usūl Al-Ahkām 8/28

<sup>&</sup>lt;sup>364</sup> Al-Madkhal Ilā Al-Sunan Al-Kubrā 211

<sup>365</sup> Bulūgh Al-Marām (edition of Māhir Yāsīn Al-Faḥl) 60

<sup>&</sup>lt;sup>366</sup> Al-Madkhal Ilā Al-Sunan Al-Kubrā 231



would have refused it (and fought the infidels bravely). Allāh and His Apostle know (what is convenient) better. Whenever we put our swords on our shoulders for any matter that terrified us, our swords led us to an easy agreeable solution before the present situation (of disagreement and dispute between the Muslims).""<sup>367</sup>

Abū 'Abd al-Raḥmān al-Sulamī said, "'Umar said on the *minbar*, 'O people indeed Qur'ān is the words of Allāh. Do not use your desires to understand it. Indeed Islām has for that cut the head of men, they entered it by force and without force. The obligations are made very clear and the *sunan* have been made. There is no place in any of it for anyone to say something from himself. Follow and do not deviate, as there is full sufficiency in it. Carry out what is *muḥkam* and believe in what is *muṭashābih*."

Al-Nazzal Ibn Sabrah said, "A man and woman went to Ibn Mas'ūd regarding a prohibition. He said, 'Indeed Allāh has made the matter clear. Whoever adds to the matter from his own—it has already been made clear. Whoever opposes it then by Allāh we reject it." Ibn Mas'ūd called every obligation, prohibition and everything permitted other than what is from  $nus\bar{u}s$  that which opposes Allāh and his Messenger. This is a very clear indication of him invalidating  $qiy\bar{a}s$ .

Ibn Mas ʿūd said, "There does not pass by a year except that each passing year becomes worse. And with that I do not mean a year having more rain, or more drought and also not regarding a ruler. I mean that the best of you and the scholars will be gone and there will appear a people performing *qiyās* in the light of their ra ʿī and with that they attack Islām." Ibn 'Umar said, "Knowledge is of three: The apparent of Qur ʿān, the non-abrogated *sunan* and to say, 'I do not know (if there is no answer to an issue).""

Ibn 'Umar said, "O Jābir, you are of the *fuqāha*' from the people of Baṣrah, you will be asked for *fuqāha*'. Do not issue *fuqāha*' except by the apparent of Qur'ān and the non-abrogated *sunan* of the Messenger of Allāh."

<sup>&</sup>lt;sup>367</sup> Al-Madkhal Ilā Al-Sunan Al-Kubrā 218

<sup>&</sup>lt;sup>368</sup> Al-Sharī ah by Al-Ājurrī 155, 1/490

<sup>369</sup> Musnad Al-Dārimī 104, 1/233

<sup>&</sup>lt;sup>370</sup> Al-Mu'jam Al-Kabīr 8551, 9/105

<sup>&</sup>lt;sup>371</sup> Sunan Abī Dāwūd 2858

<sup>&</sup>lt;sup>372</sup> Al-Tārīkh Al-Kabīr 2188, 2/709

Al-Shaybānī said, "I heard Ibn Abī Awfah say, "The Prophet prohibited nabīdh made in green earthenware jars. I said, 'What about white ones?' He said, 'I do not know." If qiyās would ever be allowed according to Ibn Abī Awfa he would have said, "What is the difference between green and white?" In the exact same manner qa'isūn say, "What is the difference between fat and oil." And as they say, "What is the difference between a dead rat and a cat." And as they say, "What is the difference between rice and wheat." They mention these all in the issues related to them which we have also mentioned many times before. They do this in the same manner. Ibn Abī Awfa instead stopped where the naṣṣ stopped and did not transgress.

Muḥammad Ibn Jubair bin Muṭʿim said, "Muʿāwiyah got angry that 'Amr Ibn Al-ʿĀṣ said that there would be a king from the tribe of Qahtan. Muʿāwiyah said to them, 'I have heard that some men amongst you speak about matters which are neither from Qurʿān nor have been told by the Prophet. Those men are the ignorant amongst you, beware of such hopes as make the people go astray."

Yazīd Ibn 'Āmirah said, "Mu'ādh Ibn Jabal said, '*Fitnah* will increase, and words will be innovated, that does not come from the book of Allāh and also not from the *sunan* of the Prophet. Beware! I warn you from it. It is an innovation and misguidance.' He repeatedly said this thrice."

'Umar Ibn al-Khaṭṭāb said while he was on the minbar in front of all the companions, "O people, indeed Ra ' $\bar{\imath}$  from the Prophet  $\stackrel{\text{def}}{=}$  is always correct because he only does what Allāh reveals to him. As for us, it is mere assumptions."

'Umar said, "Ahl ul-Ra' $\bar{\imath}$  have become the enemies of the sunan, When they do not they are perished for using  $Ra'\bar{\imath}$  to compete with it the sunan."<sup>377</sup>

'Umar Ibn al-Khaṭṭāb said, "The *sunnah* is (only) what Allāh and his Messenger = made a *sunnah*, do not make your false Ra  $\bar{\imath}$  a *sunnah* for the *ummah*."

'Umar, Ibn 'Umar, Ibn Mas'ūd, Abū Hurairah, Mu'ādh Ibn Jabal,

<sup>&</sup>lt;sup>373</sup> Sunan Al-Nasā'ī 5621, 8/304

<sup>&</sup>lt;sup>374</sup> Al-Jāmi Al-Sahīh Li Al-Sunan Wal-Masānīd 16/392

<sup>&</sup>lt;sup>375</sup> Mu'jam Al-Kabīr 1087, 20/114

<sup>&</sup>lt;sup>376</sup> Jāmi Bayān al-'Ilm Wa Fadlihi 2000, 2/1040

<sup>&</sup>lt;sup>377</sup> Jāmi Bayān al-'Ilm Wa Fadlihi 2001, 2/1041

<sup>&</sup>lt;sup>378</sup> Jāmi Bayān al-'Ilm Wa Fadlihi 2014, 2/1047



Samurah Ibn Jundub, Ibn 'Abbās, Al-Barā' Ibn 'Āzib, 'Abdullah Ibn Abī Awfah, Mu'āwiyah from the companions of the Prophet all rejected and invalidated  $qiy\bar{a}s$  and they all rejected anything that does not exist in Qur'ān and not in the sunan of the Prophet , which includes  $Ra'\bar{\imath}$ ,  $ta'l\bar{\imath}l$  and any other method. There does not exist authentically any opposition to this view from anyone of  $sah\bar{a}bah$ . There are some narrations that they used  $Ra'\bar{\imath}$ , we have clarified many times that none of them would ever oblige their own  $Ra'\bar{\imath}$  as a ruling.

As for the  $t\bar{a}bi$  ' $\bar{u}n$  and those after them, 'Abd Al-'Azīz Ibn Rufay' said, "'Aṭā' was asked about something, he answered, 'I do not know.' He was then asked, 'Say what you think.' 'Aṭā' said. 'I feel shy before Allāh, lest anyone follow the religion through my Ra ' $\bar{i}$ ""<sup>379</sup>

Al-A mash said, "I have not heard Ibrāhīm Al-Nakha  $\bar{1}$  say anything with his  $Ra'\bar{1}$  regarding anything."  $^{380}$ 

Muḥammad Ibn Sīrīn said, " $Qiy\bar{a}s$  is an evil omen. The first one to ever perform  $qiy\bar{a}s$  was Iblīs and perished. The sun and moon only got worshiped because of  $qiy\bar{a}s$ ."<sup>381</sup>

Shuraiḥ Al-Kindī Al-Qāḍī said, "Woe to you! The *sunnah* came before your  $qiy\bar{a}s$ , follow and do not innovate!"  $^{382}$ 

Al-Ḥasan Al-Baṣrī said regarding the verse, "You created me from fire and you created him from soil" [7:12], "Iblīs used  $qiy\bar{a}s$  and he was the first one to use  $qiy\bar{a}s$ ." 383

Al-Rabī' Ibn Khutaim said, "Beware of a man claiming Allāh has prohibited an issue (with no evidence from  $mu \slash u \slash s v$ ). Allāh will say to him, 'You have lied, I did not prohibit that.' Or if he says, 'Allāh has allowed this!' Allāh will say, 'You have lied I did not allow that, and I have not commanded it."<sup>384</sup>

Abū Nadrah said, "Abū Salamah came to Baṣrah and he said to Al-Ḥasan, 'Are you al-Ḥasan? I didn't like to meet anyone in Baṣrah more than you, however it has reached me that you give  $fatw\bar{a}$  based upon  $Ra \, \bar{\imath}$ , so do not

<sup>383</sup> Jāmi Bayān al- Ilm Wa Fadlihi 1674, 2/892

<sup>&</sup>lt;sup>379</sup> Al-Jāmi Al-Ṣaḥīḥ Li Al-Sunan Wal-Masānīd 8/451

<sup>&</sup>lt;sup>380</sup> Al-Jāmi Al-Sahīh Li Al-Sunan Wal-Masānīd 8/452

<sup>&</sup>lt;sup>381</sup> Al-Madkhal Ilā Al-Sunan Al-Kubrā 223

<sup>&</sup>lt;sup>382</sup> Musnad Al-Dārimī 204, 1/283

<sup>&</sup>lt;sup>384</sup> Jāmi Bayān al-'Ilm Wa Fadlihi 2090, 2/1075



give  $fat\bar{a}wa$  based upon Ra  $\bar{i}$ . Give  $fatw\bar{a}$  only based from the sunan of the Prophet  $\stackrel{\text{def}}{=}$  or the book of Allāh ."<sup>385</sup>

Ashhab said, "Mālik was asked regarding the *ikhtilāf* the  $s\bar{a}h\bar{a}bah$  of the Prophet. Mālik answered, 'They can be incorrect and correct, so look into the matter (to find what is from the  $nus\bar{u}s$ )."

Ibn Al-Qāsim said, "I heard Mālik and Al-Layth both say regarding the *ikhtilāf* of the *ṣāḥābah* of the Prophet, "It is not like how the people say that in their differencing there is a broadening to take more rulings, they can be wrong and correct.""<sup>387</sup>

Ibn al-Qāsim said, "I heard from Mālik that he said, 'The  $s\bar{a}h\bar{a}bah$  of the Prophet  $\stackrel{\text{def}}{=}$  are sometimes wrong and sometimes correct, and upon you is  $ijtih\bar{a}d$  (from  $nus\bar{u}s$ )."

Ashhab said, "Mālik was asked regarding someone who takes from someone trustworthy the  $\bar{a}th\bar{a}r$  from the  $\bar{s}\bar{a}h\bar{a}bah$  of the Prophet and if within the  $\bar{s}\bar{a}h\bar{a}bah$  disagreement there is an expansion to take more, Mālik said, 'No by Allāh, [he is followed] only if he is correct and truth is only in one not in two differing ra  $\bar{r}$ s."<sup>389</sup>

Mālik said, "We only use mere assumptions and we do not affirm certainty with it."  $^{390}$ 

Ma'n Ibn ' $\bar{1}$ sā said, "I heard Mālik say, 'I am only a human, I make mistakes and I can be correct. Look into my  $Ra'\bar{i}$ , whatever from it goes according to the Qur' $\bar{1}$ an and *sunan* then take from it. And anything that does not go according to it then abandon it."

Mālik Ibn Anas said, "None of those who came before us dared to claim, 'This is *ḥarām*, and this is *ḥalāl*.' Instead, they would express preferences such as, 'We disapprove of this action' or 'We consider this action to be meritorious' or 'This should be done in this manner."

<sup>&</sup>lt;sup>385</sup> Musnad Al-Dārimī 165, 1/263

<sup>&</sup>lt;sup>386</sup> Jāmi Bayān al-'Ilm Wa Faḍlihi 1694, 2/905

<sup>&</sup>lt;sup>387</sup> Jāmi Bayān al-'Ilm Wa Fadlihi 1695, 2/906

<sup>&</sup>lt;sup>388</sup> Jāmi Bayān al-Ilm Wa Fadlihi 1697, 2/906

<sup>&</sup>lt;sup>389</sup> Jāmi Bayān al- Ilm Wa Fadlihi 1700, 2/906

<sup>&</sup>lt;sup>390</sup> Jāmi Bayān al-'Ilm Wa Fadlihi 1445, 1/777

<sup>&</sup>lt;sup>391</sup> Jāmi Bayān al- Ilm Wa Fadlihi 1435, 1/775

<sup>&</sup>lt;sup>392</sup> Jāmi Bavān al- Ilm Wa Fadlihi 2091, 2/1075



Al-Qa nabī said, I entered upon Mālik during his illness which he passed away on and I saw him crying and I asked what made him cry, he said, Why should I not cry, I am the most deserving of crying than anyone.

I wish that I could be lashed for every single  $fatw\bar{a}$  I spoke of with Ra  $\bar{i}$ . I wish that I had never given any  $fatw\bar{a}$  with Ra  $\bar{i}$ . "393"

Mālik said, "The situation never ceased being upright till Abū Ḥanīfah used  $qiy\bar{a}s$  and he did not succeed." <sup>394</sup>

Mālik said, "If Abū Ḥanīfah would go against the *ummah* with the sword, that would be easier for the *ummah* than him showing the *ummah* qiyās and  $Ra[\bar{\tau}]$ "."

Mālik said, "The Prophet  $\stackrel{\text{\tiny #}}{=}$  has passed away and with it the religion has been completed, only the  $\bar{a}th\bar{a}r$  of the Prophet  $\stackrel{\text{\tiny #}}{=}$  must be followed and the  $\bar{s}ah\bar{a}bah$ , as for  $Ra\ \bar{\imath}$  it must not be followed. Whoever follows a  $Ra\ \bar{\imath}$ , then there is always someone with a better  $Ra\ \bar{\imath}$  and this his will never cease to happen."

Mālik said, "The Prophet  $\stackrel{\text{def}}{=}$  is the  $im\bar{a}m$  of the Muslims and the master of the worlds. When he would be asked about anything he would not answer except with  $wah\bar{\iota}$ ."

Ibn Wahb said, "If I were to write every time Mālik said, 'I do not know,' it would fill the pages."  $^{398}\,$ 

Ḥammād Ibn Zayd said, "It was said to Ayyūb, 'Why do you not look into my Ra ' $\bar{\iota}$ .' Ayyūb said, 'It would be said to a donkey, 'Why do you not move the food from your stomach up again to chew it again?" The donkey would say. 'I hate chewing falsehood."

Yaḥyā Ibn Saʿīd said, "A man came to Saʿīd Ibn Al-Mūsāyyib and asked him about a matter. He wrote it and also asked about his Ra  $\tilde{i}$ . He then also wrote that. Then a man from among the company of Saʿīd Ibn Al-Mūsāyyib said, 'Should your Ra  $\tilde{i}$  be written o Abū Muḥammad.' Saʿīd then said to the man, 'Give it (the paper) to me. He then took it and burned it.'"

<sup>&</sup>lt;sup>393</sup> Jāmi Bayān al- Ilm Wa Fadlihi 2081, 2/1072

<sup>&</sup>lt;sup>394</sup> Jāmi Bayān al- Ilm Wa Fadlihi 2102, 2/1079

<sup>&</sup>lt;sup>395</sup> Jāmi Bayān al- Ilm Wa Fadlihi 2103, 2/1079

<sup>&</sup>lt;sup>396</sup> Jāmi Bayān al-'Ilm Wa Fadlihi 2117, 2/1085

<sup>&</sup>lt;sup>397</sup> Jāmi 'Bayān al-'Ilm Wa Fadlihi 1578, 2/838

<sup>&</sup>lt;sup>398</sup> Jāmi 'Bayān al-'Ilm Wa Fadlihi 1575, 2/838

<sup>&</sup>lt;sup>399</sup> Jāmi Bayān al-'Ilm Wa Fadlihi 2085, 2/1079

<sup>&</sup>lt;sup>400</sup> Jāmi Bayān al-'Ilm Wa Fadlihi 2075, 2/1070



Al-Shaʿbī said, "A group of people came to Zayd Ibn Thābit and asked him about issues. He answered it for them and they wrote it down. He then said, 'Perhaps everything I told you is false, I only did *ijtihād* in the light of my Raʿī."<sup>401</sup>

Al-Sha'bī said, "I witnessed Shuraiḥ, when a man came to him, he said, 'O Abū Umayyah, what is the *diyah* of the fingers?' Shuraiḥ said, 'Ten for each finger.' The man said, 'Glory be to Allāh, are these really the same?' He indicated the thumb and pinkie. Shuraiḥ said, 'Glory be to Allāh, is your ear and hands the same? The ear is covered by hair and '*imāmah*. There is half for it and also half in the *diyah* of the hand. Woe to you. The *sunnah* precedes your *qiyās*. Follow and do not deviate. You will never deviate as long as you take from *Āthār*.' Abū Bakr said, 'Al-Sha'bī told me that he said, 'O Hudhalī if the most noble one of you would be killed and this child in his bed, would the *diyah* of them be the same?' He said, 'Yes.' Al-Sha'bī said, 'Then where is the *qiyās*?'",402

Al-Sha'bī said, "Memorize from me three important matters. First, if you ask about an issue and you are given an answer, do not follow it up with, 'But what about...' Allāh says, 'Have you seen the one who takes as his god his own desire?' [25:43]. Second, if you are asked about an issue, then do not ever perform *qiyās*. It is possible for you to make *ḥarām* what is *ḥalāl*, and make *ḥalāl* what is *ḥarām*. Third, if you are asked about that which you do not know then say, 'I do not know.'"403

Al-Shaʿbī said, "Look at the *ahl al-Raʿī*, if they tell you from the  $\bar{s}\bar{a}\hbar\bar{a}bah$  of the Prophet then take from it. And if they tell you from their  $Ra'\bar{\imath}$ , take it then throw it all in the toilet (and urinate on it), beware of  $qiy\bar{a}s!$  if you take from it you make  $\hbar ar\bar{a}m$  what is  $\hbar al\bar{a}l$  and the  $\hbar al\bar{a}l$   $\hbar ar\bar{a}m$ ."

Al-Sha'bī said, "Whatever comes to you from the *sunan* then take from it, and whatever they utter from their Ra'ī then urinate on it."  $^{405}$ 

Al-Sha'bī said, "Beware of  $qiy\bar{a}s$ ! By him in whose hands is my soul. If you were to take from  $qiy\bar{a}s$  you would make  $hal\bar{a}l$  what is  $hal\bar{a}l$  and make  $hal\bar{a}m$  what is  $hal\bar{a}l$ . Memorize what comes to you from the  $s\bar{a}h\bar{a}bah$  of the

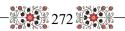
<sup>&</sup>lt;sup>401</sup> Jāmi Bayān al-'Ilm Wa Fadlihi 2069, 2/1068

<sup>402</sup> Musnad Al-Dārimī 204, 1/283

<sup>&</sup>lt;sup>403</sup> Hilyah Al-Awliyā 4/319

<sup>&</sup>lt;sup>404</sup> Ta'wīl Mukhtalaf Al-Hadīth 110

<sup>&</sup>lt;sup>405</sup> Al-Jāmi' by Ma'mar Ibn Rashīd 20476, 11/256



Messenger and of Allāh."406

Al-Shaʿbī said, "You perished when you abandoned *āthār* and used *qiyās*. I hate this *masjid* of them more than the church in my city."<sup>407</sup>

Al-Shaʿbī said, "You only perished when you left the  $\bar{a}th\bar{a}r$  and took from  $qiy\bar{a}s$ ."

'Abdullah Ibn Bishr said, "Masrūq Ibn Al-Ajda' was asked about an issue, he said, 'I do not know.' They said, 'Use *qiyās*,' he replied, 'I fear that my foot may slip after it was once firm [16:94]." '\*

'Aṭā' Ibn Abī Rabāḥ said regarding the verse, "If you dispute over anything return the matter to Allāh and his Messenger" [4:59], "To Allāh, means to the book of Allāh and to His Messenger, means to the *sunnah* of the Messenger sof Allāh."

Maymun Ibn Mahran said regarding the verse, "If you dispute over anything, return the matter to Allāh and his Messenger" [4:59] "To Allāh, means to the book of Allāh and to his Messenger, means to him when he is alive and to his *sunan* when he passes away."

'Abbās Ibn Al-Faraj Al-Riyāshī said, "It was said to Al-Aṣma'ī, 'Al-Khalīl Ibn Aḥmad sees *qiyās* as false. He said, 'He took this from Iyās Ibn Mu'āwiyah.""

Ibn Shubrumah said, "Me and Abū Ḥanīfah came to Jaʿfar Ibn Muḥammad Ibn ʿAlī, and he said to Abū Ḥanīfah, 'Fear Allāh and do not use  $qiy\bar{a}s$  in the religion among your ra ʿī. Me, you and everyone else will stand before of Allāh. We will say (when questioned about  $fatw\bar{a}$ ), 'Allāh, and his Messenger said.' While you and your companions will say, 'We heard (the narrations) and used our Ra ʿī.' And Allāh will do with us and you as he wants.'

'Abdullah Ibn 'Ubaid Ibn 'Umair said, "A man came to my father and asked him about a rabbit, 'What makes this prohibited?' He said, 'They claim it is impure.' He said, 'I don't know.' He said, 'The one that knows when it is

<sup>&</sup>lt;sup>406</sup> Jāmi Bayān al-'Ilm Wa Faḍlihi 2016, 2/ 1047

<sup>&</sup>lt;sup>407</sup> Al-Madkhal Ilā Al-Sunan Al-Kubrā 228

<sup>&</sup>lt;sup>408</sup> Jāmi Bayān al- Ilm Wa Fadlihi 2017, 2/1048

<sup>&</sup>lt;sup>409</sup> Al-Figh Wal-Mutafaggih 1/458

<sup>&</sup>lt;sup>410</sup> Jāmi Bayān al-'Ilm Wa Fadlihi 1413, 1/765

<sup>&</sup>lt;sup>411</sup> Jāmi Bayān al-Ilm Wa Fadlihi 1414, 1/766

<sup>412</sup> Al-Ihkām Fī Usūl Al-Ahkām 8/34

<sup>413</sup> Sharaf Ashāb Al-Hadīth pg. 76

impure, knows when it is pure. Indeed Allāh did not leave out anything except that he clarified it. Whatever Allāh says it is exactly as he said it to be. And whatever his Messenger says, is exactly as he said it to be. Whatever they did not clarify is a mercy and leave that, do not search for it."\*<sup>414</sup>

Sufyān Ibn 'Uyainah said, "I asked Mālik about the one that entered  $ihr\bar{a}m$  at Madīnah inside the prescribed  $maw\bar{a}q\bar{\imath}t$ . He said, 'The one doing that opposes Allāh and his Messenger . And fear that a trial may afflict them or a painful punishment in the hereafter. Did you not hear the  $\bar{A}yah$ , 'So let those who oppose the Messengers commandment beware, lest a trial afflict them or a painful punishment afflict them' [24:63]. While the Prophet only ordered entering  $ihr\bar{a}m$  at the borders of the  $Maw\bar{a}q\bar{\imath}t$ ."

Yazīd said: "I heard Wakī' Ibn al-Jarrāḥ say to Yaḥyā Ibn Ṣālih al-Waḥāzī: 'O Abū Zakariyyā, be careful from *Ra*'ī, for I heard Abū Ḥanīfah say: 'Urinating in the mosque is better than some of their *qiyās*.""<sup>416</sup>

Ibn Shabawayh said, "Whoever wants knowledge of the grave, then upon him is the  $\bar{A}th\bar{a}r$ , whoever wants knowledge of bread, then upon him is Ra  $\bar{i}$ ." "417

Abū Bakr Ibn 'Abd Al-Raḥmān Al-Nasafī said, "Our scholars would call Abū Bakr Ibn Ismā'īl 'Abū Thamūd,' because he was from the companions of ḥadīth, then became the companions of Ra'ī, Allāh says, 'As for Thamūd, We showed them guidance, but they preferred blindness over guidance' [41:17]."

Yūnus ibn Sulaiman As-Saqaṭī, said, "I looked into the matter, and behold, there are both  $had\bar{\imath}th$  and Ra ' $\bar{\imath}$ . So, I found in the  $Had\bar{\imath}th$  the mention of the Lord, His Lordship, His Majesty, and His greatness, and the mention of the Throne, and the description of Paradise and Hellfire, and the mention of the prophets and messengers, and what is lawful and unlawful, and the exhortation to maintain family ties, and the encouragement to do good deeds. Then I looked into the Ra ' $\bar{\imath}$ , and behold, therein are deceit, betrayal, and cunning, and severing of family ties, and the gathering of evil."

 $<sup>^{414}</sup>$  Al-Muṣannaf by 'Abd Al-Razzāq  $\,8694,\,4/516\,$ 

<sup>&</sup>lt;sup>415</sup> Ahkām al-Qurʿān of Abū Bakr 3/432

<sup>&</sup>lt;sup>416</sup> Al-Fiqh Wal-Mutafaqqih 1/509

<sup>&</sup>lt;sup>417</sup> Sharaf Aṣḥāb Al-Ḥadīth pg. 75

<sup>418</sup> Sharaf Ashāb Al-Hadīth pg. 75

<sup>&</sup>lt;sup>419</sup> Sharaf Ashāb Al-Hadīth pg. 75

'Abdullah Ibn Al-Ḥasan Al-Ḥisinjānī said, "I was at Egypt and saw a judge in a *masjid*, I heard him saying, 'The poor companions of *ḥadīth* did not know *fiqh*,' so I went to him and said to him, 'The companions of the Prophet differed on the wounds of men and women, what did 'Alī say? What did Zayd Ibn Thābit say? What did 'Abdullah Ibn Mas'ūd say?' Then he was silenced, I said to him, 'You claim that the scholars of *ḥadīth* do not excel in *fiqh*, and I am among the humblest of the scholars of *ḥadīth*. I asked you about these matters, and you couldn't answer them. How then do you criticize a people for not excelling in something when you yourself do not excel in it.""

Abū ʿĀmir Al-Ḥasan Ibn Muḥammad Al-Nawāsī said, 'Abū Zayd Al-Faqīh recited to some scholars of *shāsh*, 'All speech other than Qurʿān is *zandaqah*, except the *ḥadīth* and except knowledge in the religion. And knowledge is what follows, '*ḥaddathanā*,' what is beyond that is the *waswās* of satan."<sup>421</sup>

Ḥammād Ibn Abī Ḥanīfah said, "My father (Abū Ḥanīfah) said, "Whoever does not abandon *qiyās* for rulings is no *faqīh*."

Al-Badakhshī, "The truth is that what is well known from Ahl al-Bayt, such as Al-Bāqir, Al-Ṣādiq and others, is that they rejected *qiyās*. And it is well known that Abū Ḥanīfah, Al-Shāfī'ī and used it. this is also the same way Al-Fanarī mentioned it."<sup>423</sup>

Al-Ḥāfiz Ibn Ḥajar said, "Ibn Baṭṭāl claimed, 'The first one that rejected *qiyās* was Ibrāhīm Al-Nazzām.' Some people responded to Ibn Baṭṭāls claim that it is well affirmed that Ibn Mas'ūd from the *ṣaḥābah* and 'Āmir Al-Sha'bī and Muḥammad Ibn Sīrīn from the *tabi'īn* rejected it."

Hishām Ibn 'Urwah said, "My father said, 'The matter of Banī Isrā'īl did not cease being upright till the next generation invented *Ra'ī*, then Banū Isrā'īl became misguided." <sup>425</sup>

Sufyān said, "The religion is only from āthār," 426

<sup>&</sup>lt;sup>420</sup> Sharaf Ashāb Al-Hadīth pg. 76

<sup>&</sup>lt;sup>421</sup> Sharaf Aṣḥāb Al-Ḥadīth pg. 79

<sup>&</sup>lt;sup>422</sup> Al-Musannaf by 'Abd Al-Razzāq 14939 8/214

<sup>423</sup> Minhāj Al-'Uqūl 3/19

<sup>&</sup>lt;sup>424</sup> Fath al-Bārī 13/352

<sup>&</sup>lt;sup>425</sup> Jāmi Bayān al- Ilm Wa Fadlihi 2015, 2/1047

<sup>426</sup> Jāmi Bayān al-'Ilm Wa Fadlihi 2022, 2/1049



It is also very well-known from Ibn Qutaybah Al-Dīnawarī the rejection of  $qiy\bar{a}s$ . 427

Ibn Taymiyyah also mentioned that some of the  $han\bar{a}bilah$  went with the view that  $qiy\bar{a}s$  is not a hujjah. 428

Abū Ḥanīfah claimed that a person who issues rulings based on *qiyās* cannot be considered a true *faqīh*. And also we've previously discussed Mālik's saying on the inadequacy of *qiyās*. If, despite these statements from Abū Ḥanīfah and Mālik, *qiyās* is found to be used, it signifies a difference of opinion, and it becomes obligatory to prioritize the statements that align with the Qur'ān and *sunnah*.

It is also important to know that the  $qiy\bar{a}s$  used by Abū Ḥanīfah and Mālik differ from the  $qiy\bar{a}s$  used by their companions, as their method include for  $istikhr\bar{a}j$  of 'ilal. That from Abū Ḥanīfah was primarily akin to Ra ' $\bar{\imath}$ , which is also false but they never firmly validated that. Al-Ṭaḥāwī mentions that Abū Ḥanīfah acknowledged this method but remained open to embracing any superior approach if presented. His stance indicates him accepting better reasoning when it emerged.

The prevalence of *qiyās* now doesn't validate its correctness, but rather, it indicates its falsehood and corruption. In line with the Prophet's warnings , the widespread acceptance of certain practices or beliefs doesn't indicate their truthfulness. He instead cautioned that falsehood could become widespread while the truth may become obscured or neglected. This indicates the importance of careful scrutiny and adherence to the principles of the Qur'ān and *sunnah* to distinguish between what is valid and what is false.

The Prophet said, "Islām began as a small religion and will return to the state in which it began (being small). Then blessed will be the few [who hold to it]."

The Prophet also said, "Verily Islām started small and it will again return to the state of being small just as it started, and it will recede between the two mosques just as the serpent crawls back into its hole (just as it began at Makkah to Madīnah it will return there)."

 $<sup>^{427}</sup>$  Taʻwīl Mukhtalaf Al-Ḥadīth pg. 102-127

<sup>428</sup> Al-Mūsāwwadah 3/372-373

<sup>&</sup>lt;sup>429</sup> Sunan Ibn Mājah 3987, 5/125

<sup>&</sup>lt;sup>430</sup> Sahīh Muslim 146, 1/90



The Prophet said, "Islām began small and will return being small, so glad tidings to the few." It was said, "Who are the strangers?" He said, "Those who have left their families and tribes."

Al-Bukhārī said, "Chapter: The Prophet  $\cong$  would not respond or say, 'I do not know,' except if it is a case there is nothing revealed on him from  $wah\bar{\iota}$ . He never said anything from Ra ' $\bar{\iota}$  and  $qiy\bar{a}s$ ."

This makes it very clear that the *madhab* of Al-Bukhārī was that  $qiy\bar{a}s$  is not hujjah in the religion and that it is limited to  $wah\bar{\imath}$  only and that there is no third source of evidence for the religion. And that  $Ra\ \bar{\imath}$  has no place in  $tashr\bar{\imath}$ .

To clarify it even further Al-Bukhārī said after that, "Chapter: The Prophet  $\stackrel{\text{def}}{=}$  teaching his *ummah*, men and women, what Allāh had taught him, no Ra ' $\bar{\imath}$  and no  $tamth\bar{\imath}l$  ( $qiy\bar{a}s$ )."

It is very well known from terms used by  $u\bar{suliy}\bar{n}$  that  $tamth\bar{\imath}l$  is  $qiy\bar{a}s$ , we mentioned this before as well.

It becomes even more clear when  $im\bar{a}m$  Al-Bukhārī said, "Chapter: What has been said regarding the  $ijtih\bar{a}d$  of the judge from what Allāh has revealed  $(wah\bar{t})$ . Allāh says, 'And whosoever does not judge by that which Allāh has revealed, such are the wrong-doers' [5:45]. The Prophet praised the wise one when he gives a ruling and does not do it from his own self."

So a judge according to Al-Bukhārī does *ijtihād* to explain the revealed  $wah\bar{\imath}$ , in a way not to bring anything from his own self. There is no place for  $Ra'\bar{\imath}$  in  $tashr\bar{\imath}$ ' at all.

The wonders come from people who claim the *madhab* of Al-Bukhārī was other than this because of him also saying, "Chapter: Who likens a known *asl* to a clarified *asl*..."

What is only correct is that what Al-Bukhārī here said goes in accordance to what has preceded from prohibiting  $qiy\bar{a}s$  and prohibiting  $tashr\bar{\iota}$  with  $Ra\,\bar{\iota}$ .  $Tashb\bar{\iota}h$  according to Al-Bukhārī is between an asl with another asl to only make the one questioning understand, to bring the meaning of a matter clearer to him. It is not applying a  $far\,\bar{\iota}$  to an asl which is the method of  $qa\,\bar{\iota}s\bar{\iota}n$ . And Al-Bukhārī also said that the two ruling of two asls are clarified by Allāh. He

<sup>433</sup> Fath al-Bārī 13/249

<sup>&</sup>lt;sup>431</sup> Al-Musannaf by Ibn Abī Shaybah 34366, 7/83

<sup>&</sup>lt;sup>432</sup> Fath al-Bārī 13/247

<sup>&</sup>lt;sup>434</sup> Fath al-Bārī 13/252



does not mean that one of them is unclear and one of them is clear and that the unclear one takes the ruling of the clear one because of a similarity. Which is the only definition of *qiyās*, it is not something other than that.

This affirms an  $ijm\bar{a}$  of the salaf on the abandonment of  $qiy\bar{a}s$ , deeming it not a valid hujjah. And it emphasizes that only the  $wah\bar{\imath}$  holds hujjah status with them, since no one after the prophets is sinless. We've established the absence of definite  $qiy\bar{a}s$  from the  $sah\bar{a}bah$ ; they never expressed  $qiy\bar{a}s$  akin to  $qa'is\bar{\imath}n$  in any of their words.

These developments only emerged during the fourth generation, coinciding with the emergence of  $taql\bar{\iota}d$ .  $Qiy\bar{a}s$  was introduced by the  $t\bar{a}bi$   $\bar{\iota}n$ , approached only through Ra  $\bar{\iota}i$ ,  $ihtiy\bar{a}t$ , and zann—never obliging adherence to  $qiy\bar{a}s$  or affirming its truth. They refrained from endorsing it in writing as well. Many instances exist where nass contradicts all forms of  $qiy\bar{a}s$ , prompting agreement to abandon it. We've never encountered a situation where a  $qiy\bar{a}s$ -derived order stemmed from nass. Furthermore, consensus aligns on rejecting  $qiy\bar{a}s$  in specific cases. If  $qiy\bar{a}s$  would ever be valid, a unanimous consensus against it would not ever be possible. Those using  $qiy\bar{a}s$  ultimately forsake it in many issues. We will discuss this soon, by the will of Allāh.



## Section: The Qurʿān And Sunnah Alone Encompass All Rulings For All Issues Till The Day Of Judgment

This is a point of contention among qa 'is $\bar{u}n$ . Those who use this argument appear to assume that new, emerging issues will never cease to exist (infinite) while  $nus\bar{u}s$  will come to an end (finite). And that this is the reason that  $qiy\bar{a}s$  must be used. It's undeniable that those who hold this view introduce additional methods, such as  $ijm\bar{a}$ ',  $qiy\bar{a}s$ , al-mas $\bar{a}lih$  al-mursalah,  $ihtiy\bar{a}t$ , and other approaches, beyond the Qur' $\bar{a}n$  and sunnah to address these evolving issues.

Al-Juwaynī Al-Shāfi ʿī said, "We are certain that the newly arising issues, which scholars from the time of the  $sah\bar{a}bah$  addressed, are an augmentation over  $nus\bar{u}s$ , too numerous to enumerate or restrict. If they say, 'Their  $fat\bar{a}wa$  are derived solely from the apparent  $nus\bar{u}s$  and rulings inferred from a general understanding of  $nus\bar{u}s$ .' One must ask them, 'Do you really think that the apparent and what is deduced from  $nus\bar{u}s$  alone suffice for every single issue?' Upon closer examination, one will find that approximately 90% of  $fat\bar{u}wa$  and 'aqdiyah are primarily a product of Ra 'ī and  $istinb\bar{u}t$ , largely unrelated to  $nus\bar{u}s$ .  $nus\bar{u}s$  only cover about 1% of all  $ahk\bar{u}m$ ."

Al-Āmidī quotes this saying from Al-Juwaynī and agrees with Juwaynī's false claim<sup>436</sup>.

This saying is false for several reasons. First and foremost, it contradicts the manifest meaning of the Qur'ān and *sunnah*. Allāh says, "I have completed your religion for you, completed My Favour upon you" [5:3]. Except that  $qa'is\bar{u}n$  believe that the religion continues to complete itself with the  $Ra'\bar{\iota}$  of fallible humans, suggesting that the *sharī'ah* is predominantly composed of human assumptions and opinions. While Allāh says, "O you who

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<sup>&</sup>lt;sup>435</sup> Al-Burhān 2/764-768

<sup>436</sup> Al-Ihkām of Al-Āmidī 4/25

have believed, obey Allāh and obey the Messenger and those in authority among you" [4:59]. It is an obligation to refer all matters to Allāh and His Messenger  $\stackrel{\text{def}}{=}$ . It is then false for a  $faq\bar{\imath}h$  to claim that the majority of fiqh is solely based on mere Ra  $\bar{\imath}$  or zann And Allāh says, "No matter what any of you may have differed over in any way, its ruling is to be referred to Allāh. That One is Allāh, the Lord of mine; in Him alone I have placed my trust, and to Him alone I turn (in every matter)" [42:10]. So, it is well-established that any differences among people concerning matters of  $shar\bar{\imath}$  ah must ultimately be subjected to Allāh's ruling. There is no room in qa  $is\bar{\imath}$ n's saying for these matters to be based on the opinions of fallible humans.

It is false to presume that newly arising issues are infinite. While *qiyās* is finite and does not encompass all newly emerging matters, this is well recognized. They themselves use additional methods beyond *qiyās* to arrive at many rulings, and these methods vary among different *madhāhib*. Even the next method they might use is not infinite; it, too, has its limits and is finite. So according to their claim, they would have to never cease creating new methods to conclude rulings, as all methods are finite, whereas newly arising issues are not. So, the claim that new emerging issues are limitless is without any doubt false.

As they admit  $qiy\bar{a}s$  is finite, it is a false claim that  $qiy\bar{a}s$  must be used in order to cover new occurring issues, as they would endlessly need new methods with their method.

Allāh who revealed the waḥī, the Creator of everything. Without a doubt, Allāh has structured everything in such a way that newly arising issues cannot escape what is necessitated by the Qurʿān and sunnah. No issue is left unaddressed, whether in small or large numbers. The Qurʿān, being the direct speech of Allāh, details His everything, leaving no room for ambiguity or omission. It is impossible for any of its meanings to become obsolete. The aḥkām extend beyond the Qurʿān alone, encompassing the imperative to follow the Prophet , who was endowed with jawāmiʾ al-kalim (comprehensive speech). His rulings are broader in scope than newly emerging issues. Given our acknowledgment that the aḥkām are unending, it is certain that everything else is created and finite, including newly arising issues, which are inherently limited in their variety.

Ibn Al-Qayyim said, "A group of individuals have claimed that  $nus\bar{u}s$  alone cannot adequately address newly arising issues. Some have even taken an extreme stance, claiming that not even 1% of  $nus\bar{u}s$  are sufficient for



addressing these new matters. They argue that *qiyās* is more necessary than nusūs. However, this claim arises because they do not understand nusūs, rather than the quantity of *nusūs* available. Those who hold this view claim that *nusūs* are finite and limited and that newly emerging issues are infinite. This is false for several reasons: Firstly, the perpetuity of a type of issue does not preclude the possibility of applying a single ruling to all instances of that type, under that term. Secondly, all actions fall under the category of a'rād and will eventually come to an end. Thirdly, the claim of infinite issues is false, as the actions of human beings are finite and will continue to be so until the Day of Judgment. For instance, relatives are categorized into two types: those that are permitted to marry such as daughters of paternal uncles, paternal aunts, maternal aunts and maternal uncles and there are those that are prohibited. Similarly, what invalidates  $wud\bar{u}$  is limited, and anything outside these specific conditions does not invalidate it. This same principle applies to what invalidates fasting, what necessitates ghusl, what requires 'iddah (waiting period after divorce or death of a spouse), and what actions are prohibited for a *muḥrim*. There are many other examples. If the *fuqahā* ' of the madhāhib can create methods to cover what they consider permissible and prohibited, then Allāh and His Messenger 3 , who were sent with concise yet comprehensive guidance, are the most capable of addressing these issues. This is evident in the responses of the Prophet \* regarding various matters. For instance, he declared, 'All intoxicants are harām,' and he said, 'Every introduced act that does not belong to us is rejected.' He also stated, 'Every condition created that is not in the book of Allāh is false,' and he affirmed, 'Everything belonging to a Muslim is inviolable for a Muslim: his honor, his blood, and his property.' And every statement concerning Allah, including matters related to religion and His commandments, in the absence of nusūs from Him and His Messenger regarding the obligation, prohibition or permissibility mentioned by name is harām."437

And Ibn Taymiyyah said, "This is their view, it suggests that many emerging issues are in need of *qiyās* due to a perceived absence of explicit evidence from the Qur'ān and *sunnah*. Such a view is only held by individuals

<sup>437</sup> I'lām al-Mawqi'īn 1/333-334



with limited knowledge of the Qur'ān, sunnah, and their Adillah for  $ahk\bar{a}m$ ."

Al-Shawkānī also firmly rejects Juwaynīs statement and anyone who shares his belief and refuted it.<sup>520</sup>

Ibn Taymiyyah and Ibn al-Qayyim's responses indicate a significant disagreement among scholars regarding the necessity of *qiyās*. According to Al-Juwaynī, a *faqīh* is compelled to use *qiyās* because direct derivation from the Qur'ān and *sunnah* cannot cover all emerging issues, and the meanings of textual evidence may not suffice.

While Ibn Taymiyyah, Ibn Al-Qayyim, and those who followed them agree that  $nu\bar{s}u\bar{s}$  alone is adequate for addressing all newly occurring issues in the religion, which is the truth. But they still claim that a  $faq\bar{t}h$  is compelled to  $qiy\bar{a}s$  if that  $faq\bar{t}h$  is unable to find  $nu\bar{s}u\bar{s}$  for a specific issue, this does not mean that they reject the existence of  $nu\bar{s}u\bar{s}$  for that issue, it is only if a  $faq\bar{t}h$  in a certain case does not know the  $na\bar{s}s$  for it. While it is still false, this is closer to the truth, than the method of other adherents to  $qiy\bar{a}s$ .

The truth is that the statement that  $nu\bar{s}u\bar{s}$  are not enough is false and leads to kufr. It implies that Allāh has not completed the religion for us and left certain aspects of the  $shar\bar{\imath}'ah$  unclear or unexplained. This claim contradicts the words of Allāh when He, the Most Exalted clearly stated that He has completed and perfected the religion for us. Allāh says, "There is not a moving (living) creature on earth, nor a bird that flies with its two wings, but are communities like you. We have neglected nothing in the Book, then unto their Lord they (all) will be gathered" [6:38].

And He says, "I have completed your religion for you, completed My Favour upon you" [5:3].

And He says, "And We sent not before you except men to whom We revealed [Our message]. So ask *ahl al-dhikr* (People of the Qurʿān and the *sunan*) if you do not know. [We sent them] with clear proofs and written ordinances. And We revealed to you *dhikr* (Qurʿān and *sunan*) that you may make clear to the people what was sent down to them and that they might give thought" [16:44-45].

And He says, "And he does not speak out of desire it is only a revelation revealed [to him]" [53:3-4].

<sup>438</sup> Al-Maʿārij al-Wuṣūl 1/209

<sup>520</sup> Irshād Al-Fuhūl pg. 184



And He says, "Say, 'If I go astray, I go astray only to my own loss; but if I am guided, it is by what my Lord reveals to me; He is indeed All-Hearer, Ever Near (to all things)" [34:50].

And He says, "Say, "Who has forbidden the adornment of All which He has produced for His servants and the good [lawful] things of provision.' Say, 'They are, in the life of this world, for those who believe, (and) exclusively for them (believers) on the Day of Resurrection (the disbelievers will not share them).' Thus We explain the verses in detail for people who have knowledge" [7:32].

And He says, "They do not speak until He has spoken, 'only' acting at His command" [21:26-27].

Their approach involves prohibiting something in the *sharī'ah*, which then requires examining the reason for its prohibition and extending the prohibition to anything similar in one aspect. This is not what 'aql comprehends, the 'aql never goes beyond prohibiting, obliging, or permitting based on anything other than  $nus\bar{u}s$ . There is no difference in anything according to 'aql; there is no distinction between a goat and a swine unless Allāh prohibits one and allows the other. So, they invalidate the arguments of 'aql and contradict it. It is also pointed out to them that if any two things sharing similarity in one aspect must have the same ruling regarding prohibition, permission, or obligation, then there would be no difference between them and those who claim the opposite, stating that any two things in the world, sharing similarity in a particular aspect, must result in differing rulings regarding permission, obligation, or prohibition, and not the same ruling as they claim.

Another certain evidence that indicates the falsehood of the claim that  $qiy\bar{a}s$  is required because of no  $nus\bar{u}s$  covering the issues, anyone who beliefs this does not know what  $qiy\bar{a}s$  is, its pillars and forty conditions. The certain evidence is that  $qiy\bar{a}s$  is always in every single case only possible with an asl and the asl is always nothing other than Qur'ān and sunnah. So  $qiy\bar{a}s$  cannot exist without a nass from Qur'ān and sunnah, if anyone then claims that  $qiy\bar{a}s$  is needed because of no  $nus\bar{u}s$ , he has invalidated himself  $qiy\bar{a}s$  in reality and affirmed that  $qiy\bar{a}s$  cannot cover those issues. So, know that anyone that claims that  $qiy\bar{a}s$  must be needed for these new occurring issues because there are no  $nus\bar{u}s$ , has not only spoken falsehood in general, but has also invalidated  $qiy\bar{a}s$ , his own method.



They say, "The least amount for *mahr* is what allows amputating the hand because it is a body part. The private parts are a body part which become permissible through an unknown amount of property which is then the *mahr*. And the hand is also a body part and that it becomes allowed to cut, but by a known amount of property. So they must have the same ruling."

The answer: Then, you must apply this  $qiy\bar{a}s$  to the amount what permits the striking of the back, which is also a body part, for consuming *khamr*, an action that doesn't involve any monetary cost. So why not consider then an amount that costs nothing as the *mahr*, as both involve body parts? Since both cases are essential, it is false to prioritize the  $qiy\bar{a}s$  of the amount that allows cutting a hand over the amount that permits striking the back, which doesn't require any wealth. Moreover, the back is closer to the private parts than the hand, and neither the private parts nor the back are cut; so, they share more similarities.

When it comes to the ta  $^{\prime}l\bar{\imath}l$  of  $rib\bar{a}$ , every group that puts forth an  $^{\prime}illah$  to support its position ends up challenging and nullifying the  $^{\prime}illah$  presented by the other  $madh\bar{a}hib$ , which is intended for  $qiy\bar{a}s$ . This exact contradiction applies to many other issues as well.

Some of them say, "We only resort to  $qiy\bar{a}s$  when two narrations are in conflict; in such cases, we examine which narration is most pertinent to the issue and use it for  $qiy\bar{a}s$ ."

The answer: we have previously addressed the fallacy in this argument. We will clarify it further, by the will of Allāh. This claim is false because there is no room for  $qiy\bar{a}s$  in this case. When faced with two conflicting narrations, two contradictory seeming verses, or a narration that seems to contradict a verse, none of them holds a superior claim to obedience over the other. The choice of one narration for obedience does not take precedence over the other because they all originate from  $wah\bar{\iota}$  by Allāh. Claimed  $ijm\bar{a}$  does not make the claim stronger, and  $ikhtil\bar{a}f$  do not weaken one either.

While certain narrations have  $ijm\bar{a}$ , there is  $ikhtil\bar{a}f$  concerning others. When a narration from the Prophet  $\cong$  is established as authentic, adherence to it becomes obligatory, regardless of opposing claims. So, the claim that one of the two conflicting narrations must be discarded is false. Instead, it is obligatory to obey all authentic narrations as long as it is possible, and in the absence of clear instances of naskh or  $takhs\bar{\imath}s$ .

A contradiction emerges in their approach. On one hand, it is narrated that amputation of the hand is warranted only for theft exceeding four  $d\bar{\imath}n\bar{a}r$ .

Simultaneously, there are narrations that advocate cursing and amputation for offenses as minor as stealing an egg. They claim that they then follow only what is universally agreed upon in such cases and discard anything that is differed upon, which would be the narration of four  $d\bar{n}a\bar{r}$ . In these cases they do not uphold the verse which has unanimous agreement and is general, "And (as for) the male thief and the female thief, cut off (from the wrist joint) their (right) hands as a recompense for that which they committed, a punishment by way of example from Allāh" [5:38]. Instead, they claim that amputation is not applicable in these cases because the theft involves an amount less than four  $d\bar{n}n\bar{a}r$ , relying on a differed upon nass, despite their method to follow what is agreed upon. They further contradict this exact method. Because regarding the narration, "One suckling or two does not make marriage unlawful." They Dismiss it in favor of the apparent meaning of the verse regarding the issue. This is contrary to the method they just used regarding amputating the hand. While both narrations are authentic but differed upon.

Some of them said, "Our method of  $qiy\bar{a}s$  and  $ta'l\bar{\imath}l$  is similar to your method regarding two or more contradicting  $mu\bar{\imath}u\bar{\imath}s$ ."

The answer: We clarified our exact method about two or more texts that seem contradictory, and we clarified how general rulings can encompass many issues. When two narrations contradict, the correct method is to combine them, as both are valid truths and must be obeyed if authenticated. This approach is not possible with two conflicting qiyās cases, nor is it applicable to two contradictory ta'līl cases for many reasons. In cases in which verses or narrations seem contradictory, it becomes obligatory to extract from them the abrogating  $(n\bar{a}sikh)$ , additional ruling, or specification (takhsīs). In situations where there is no historical situation to clarify abrogation in any possible way, it is either an additional ruling, constituting additional sharī'ah that cannot be abandoned, or it is a specification. However, none of these possibilities are applicable to two opposing qiyās cases or ta'līl cases. This is because there is no established naskh for them, and there is no hierarchy to distinguish one above the other among two conflicting qiyās approaches. So their assumption is entirely invalid, and they find themselves in an untenable position with no viable solution.

Some of them who do not fear Allāh said, "qiyās is stronger than khabar ul-wāhid."

The answer: This is said by Abū Al-Faraj *al-māliki*, he claims this because of the possibility of forgetfulness in *khabar ul-wāḥid* and purposeful

lies, as for *qiyās*, he says there is nothing wrong in it except for fearing mistakes for making similarities that can be clearly observed. There is no worse *bid'ah* known than this method, it is also very contradicting. It is said to the *jāhil* who believes this, "Tell us, do you use *qiyās* based on *khabar ul-wāḥid* or not?" If he says, "No." They are disingenuous because they frequently use such narrations as the basis for *qiyās*, as exemplified in the analogy drawn from the minimum amount of dowry being the same amount for which a hand is amputated in cases of theft.

Furthermore, we remind them of their stances on assigning value to destroyed items (damān), where they use the value of the item rather than an equal value. This practice is based on narrations related to emancipating a share in a slave, the time for khiyār (the option extended to one or more parties in a sales contract to rescind the sale upon the appearance of a defect), and muṣarrāh (livestock with a full udder). Similarly, they argue for the ṭahārah (ritual purity) of the mustaḥāḍah based on the narration of the muṣarrāh. If these individuals claim that they do not use qiyās on khabar ul-wāḥid yet admit to use it for these cases, it becomes evident that they use narrations even weaker than khabar ul-wāḥid, exposing the inherent contradictions within their views.

They also say, "The a s l is stronger than the f a r' and the  $m a q \bar{\imath} s$  is the f a r' and the  $m a q \bar{\imath} s$  'alayh is the a s l and  $q i y \bar{a} s$  is the f a r'."

According to their views, if *qiyās* is considered stronger than *khabar ulwāḥid*, then the *far* 'would be deemed stronger than the *aṣl*. However, they simultaneously claim that the *aṣl* is stronger than the *far* ', indicating a clear contradiction within their views.

Furthermore, in most of their positions, they forsake the apparent meaning of the Qur'ān in favor of *khabar ul-wāḥid*, and they subsequently abandon *khabar ul-wāḥid* in favor of *qiyās*. According to their stance, this implies that *qiyās* is stronger than the Qur'ān. This is a perplexing claim, given that *qiyās* is fundamentally based on the principles found in the Qur'ān and *sunnah*. Moreover, they prioritize the views of their own *a'immah* over what *qiyās* logically necessitates. For example, they uphold the view that if someone sells an item at a certain price and then buys it back at a lower price, it is valid. Similarly, they maintain that one must continue *ṣalāh* if their nose bleeds or in cases of *ḥadath* (ritual impurity). In these instances, they prefer *zann* over *qiyās*, claiming that it is *khabar ul-wāḥid*. This further accentuates their contradictions, as they acknowledge that *khabar ul-wāḥid* is stronger



than *qiyās*, even though they typically classify *khabar ul-wāḥid* as *zann* and *qiyās* as certainty. This, in turn, reveals another inconsistency in their belief system, where *zann* is regarded as stronger than *yaqīn* 

In reality, zann is  $b\bar{a}til$  (false) as indicated by the verses. Allāh said, "They have no knowledge about it. They only follow conjecture (zann), but conjecture is of no avail against the truth" [53:28]. the Prophet referred to zann as the most false form of talk. So, zann is not the truth, and anything that is not the truth is falsehood. So, according to their stance, falsehood, represented by zann, is stronger than  $qiy\bar{a}s$ , leading to the counterintuitive conclusion that  $qiy\bar{a}s$  is even more false than falsehood.

In summary, the claim that *khabar ul-wāḥid* may involve forgetfulness, errors, or lies is primarily associated with the views of the *mu'tazilah* and *khawārij*. We have consistently emphasized the obligation to accept *khabar ul-wāḥid* with compelling evidence. So anyone who claims that *khabar ul-wāḥid* is susceptible to forgetfulness, errors, or lies is using arguments that are fundamentally false and contradicts the established principles of reliable narration, so representing a form of discourse that is highly false and is explicitly prohibited, as previously discussed. We clarified in the chapters berore about narrations in the greatest of details on the acceptance of *akhbār al-āhād*.

'Abd Al-'Azīz al-Ḥarbī said: "In our present era, the necessity for *qiyās* is at its lowest, as the texts from the *sunan* have been abundantly served like never before. They have been presented in ways that greatly simplify the effort required, allowing for quick comprehension."

If they say, "Show us every single how every single new issue can be covered by  $nus\bar{u}s$  of Qur'ān and sunnah."

We say: We will as this is an obligation on us, by the will of Allāh, the Most Exalted. The  $ahk\bar{a}m$  of the  $shar\bar{\iota}'ah$  from the first to the last, are of three types with no fourth to it: First is fard (obligation), there must be belief in this and action upon. Second is  $har\bar{a}m$  (prohibited) It must be avoided by saying that it is, believing in it and by acting upon it. Third is  $hal\bar{a}l$ , which is  $mub\bar{a}h$  (permissible) to do and  $mub\bar{a}h$  to leave out. As for  $makr\bar{u}h$  and  $mand\bar{u}b$  they fall under  $mub\bar{a}h$ , because what is  $makr\bar{u}h$ , the one doing it does not sin, if the one doing it would be sinning it would be  $har\bar{a}m$  and not  $makr\bar{u}h$ . But instead

 $<sup>^{439}</sup>$  Al-Khulāṣah Fī Uṣūl Al-Fiqh ʿAlā Minhāj Ahl Al-Zāhir pg. 88

the one leaving it is rewarded and there is no sin on the one doing it. As for  $mand\bar{u}b$ , the one abandoning it does not sin, if it would be then it would be fard not  $mand\bar{u}b$ , instead the one doing it is rewarded and there is no sin for who abandons it. These are the  $aqs\bar{a}m$  of the  $shar\bar{\iota}'ah$  by  $ijm\bar{a}'$  of every Muslim and it is also known by necessity of the 'aql. Indeed, Allāh affirms this principle, He says, "He it is Who created for you all that is on earth" [2:29].

And Allāh says: "He has explained to you in detail what is forbidden to you, except under compulsion of necessity" [6:119].

So it is understood from these two verses that everything in the world and every action is  $mub\bar{a}h$ ,  $hal\bar{a}l$ , unless Allāh and His Messenger have explicitly clarified its prohibition by their precise wording, or general. When we encounter anything prohibited by  $nus\bar{u}s$  or established by  $ijm\bar{a}$  through precise wording, we declare it as  $har\bar{a}m$ . However, if we do not find specific prohibition in the  $mans\bar{u}s$  or if there is no  $ijm\bar{a}$  on the matter, then it is  $hal\bar{a}l$ .

Allāh reaffirms this principle in many verses. Allāh says, "O you who have believed, do not prohibit the good things which Allāh has made lawful to you and do not transgress" [5:87].

Allāh clarifies here that everything that exists is  $hal\bar{a}l$  for us except what He prohibited and He prohibited us from transgressing what he ordered us. So whoever prohibits anything Allāh and His Messenger have said nothing about and there is also no  $ijm\bar{a}$  on, transgresses and disobeys Allāh.

Allāh also says, "Say, 'Bring forward your witnesses who will testify that Allāh has prohibited this. And if they testify, do not testify with them. And do not follow the desires of those who deny Our verses and those who do not believe in the Hereafter" [6:150].

So it is known from this verse anything we have mentioned without any doubt, that everything for which there is no mention for its prohibition by wording from Allāh or his Messenger # then it is halāl and not allowed for anyone to witness anyone prohibiting it.

And Allāh says, "And if you dispute over anything, refer it to Allāh and the Messenger, if you should believe in Allāh and the Last Day. That is the best [way] and best in result" [4:59].

And Allāh says, "O you who believe! Ask not about things which, if made plain to you, may cause you trouble" [5:101].

Indeed, Allāh makes it clear that whatever He commands through the Qur'ān and the *sunnah* of the Prophet is obligatory to obey. The opposite



of obeying is disobeying, and whoever disobeys incurs sin. Likewise, whoever fails to do what they are ordered to do has not obeyed. Allāh also prohibits us from asking excessive questions, and it is false to claim that the verse about questioning is only related to inquiries similar to those made by 'Abdullah Ibn Ḥudhaifah to the Prophet , such as, "Who is my father?" 40

That is from the specifications we invalidated entirely before and Allāh also invalidates their claim. Allāh says, "Before you, a community asked such questions, then on that account they became disbelievers" [5:102]. So, it is evident that this about matters related to the rulings ( $shar\bar{a}$ 'i'), and anyone who rejects it apostates, while anyone who abandons it is misguided. It is absolutely certain that as long as there is no  $nus\bar{u}s$  indicating that something is not obligatory, it is not obligatory.

Is there anything in the world beyond this? Is there any new emerging issue for which we are unable to declare its obligation? As long as there are  $nu\bar{s}u\bar{s}$  affirming its obligation, we hear and obey, and it becomes obligatory. Anyone who rejects its obligation is a  $k\bar{a}fir$ . If it is an issue for which there are no  $nu\bar{s}u\bar{s}$ , then the one claiming its obligation is a liar, and the issue is not obligatory. Similarly, if someone claims, "So and so issue is  $har\bar{a}m$ ," we say: If you have  $nu\bar{s}u\bar{s}$  prohibiting it, then it is indeed  $har\bar{a}m$ , and we hear and obey. If there are no  $nu\bar{s}u\bar{s}$  to for your claim, then you are making a false claim, and the issue is  $hal\bar{a}l$ , not  $har\bar{a}m$ .

Every ruling is determined through this method, and it is well established that  $nus\bar{u}s$  encompass every single ruling that arises until the Day of Judgment. There is no way for any ruling to exist without being covered by  $nus\bar{u}s$ . Narrations from the Prophet are also narrated with the exact same meaning as the verses, "Leave me as I leave you, for the people who were before you were ruined because of their questions and their differences over their prophets. So, if I forbid you to do something, then keep away from it. And if I order you to do something, then do of it as much as you can."  $^{441}$ 

This narration encapsulates everything we have discussed. The Prophet clarified that if he prohibits something, it becomes obligatory to abstain from it, and if he orders something, it becomes obligatory to perform it to the best of one's ability. If Allāh and His Messenger have neither prohibited nor ordered something, it becomes obligatory not to search for a ruling on it.

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<sup>440</sup> Sahīh Muslim 2360

<sup>441</sup> Sahīh Al-Bukhārī 7288

This obligation applies to all Muslims; they must not impose prohibitions or obligations that Allāh and His Messenger  $\stackrel{\text{def}}{=}$  did not establish through their explicit guidance. When an action is neither  $har\bar{a}m$  nor obligatory, it is permissible. There are no categories beyond these three: prohibited  $(har\bar{a}m)$ , obligatory  $(w\bar{a}jib, fard)$ , and permissible  $(hal\bar{a}l, mub\bar{a}h)$ . If two of these categories become invalid, the third becomes obligatory. This is the method of  $nus\bar{u}s$ , sam, and 'aql.

The 'aql cannot comprehend any other method, and anything beyond this is misguidance and falsehood, as advocated by the proponents of  $qiy\bar{a}s$ . They mistakenly liken intercourse to eating and dates to hazelnuts, and claim that the amount of theft necessitating the cutting of the hand is equivalent to the mahr (dower).

We can also pose the same question to them: If, according to your perspective, there are new issues without established rulings in the Qur'ān and sunnah, how do you deal with them? This question is necessary for them, not for us, as we firmly believe that such cases are absolutely false. So, tell us, when you encounter a new issue, do you abandon the application of any ruling, or do you yourselves create a ruling? There is no third option. And elaborate on your ruling: Is it from Allāh and His Messenger ? If they say yes, they contradict themselves because they initially claimed that these are issues without established rulings in the  $nus\bar{u}s$ . If they say it's a ruling from a source other than Allāh and His Messenger , then we dissociate ourselves from it, as any ruling not derived from the religion of Allāh is unacceptable. This suffices to clarify our stance, and it becomes evident that the alternative view is false.

The Prophet said, "The Muslim who causes the greatest offense among fellow Muslims is the one who raises inquiries about matters that were initially permissible, but due to their questioning, these matters are subsequently declared forbidden."

This  $had\bar{\imath}th$  illustrates that as long as there is no explicit prohibition from Allāh and His Messenger m, an action is not  $har\bar{\imath}m$ . This principle extends to obligations as well.

Abū Hurairah said, "The Prophet delivered a sermon to the people, saying, 'O people Allāh has obliged for you *hajj*, so perform *hajj*.' A man inquired, 'O Messenger of Allāh, do we have to do it every year?' He repeated

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<sup>442</sup> Sahīh Muslim 2358



this question thrice. The Prophet responded, 'Indeed, if I were to say 'yes,' it would indeed become an annual obligation for you, as long as you have the capability to fulfill it. However, leave me just as I leave you. The destruction of nations before you came as a result of their excessive questioning and disputes about their prophets. So if I forbid you from something, refrain from it, and if I command you to do something, perform it to the best of your ability."

Absolutely, in this narration, the Prophet " is making clear that if something is not mandated, it is not obligatory. And whatever is obligatory must be done according to one's ability. And whatever the Prophet " has not forbidden is  $hal\bar{a}l$ , and everything he has prohibited is  $har\bar{a}m$ . There is no room for  $qiy\bar{a}s$  to create options; it has never been explicitly clarified, neither by Allāh nor by His Messenger ". The  $nus\bar{u}s$  encompasses every possible matter that people may have differences about, as well as every new issue that will arise until the Day of Judgment.

Allāh says, "Or do they have partners who have legislated for them as religion that which Allāh has not ordained? And had it not been for a decisive Word (gone forth already), the matter would have been judged between them" [42:21]. This verse makes it clear that anything not derived from  $nus\bar{u}s$  is essentially ordaining something that Allāh has not allowed, which aligns with the concept of  $qiy\bar{a}s$ , and this is prohibited. Furthermore, Allāh warns against those who distort the Book with their tongues, making it seem like it is from the Book when it is not. As Allāh says, "And verily, among them is a party who distort the Book with their tongues (as they read), so that you may think it is from the Book, but it is not from the Book, and they say: 'This is from Allāh, but it is not from Allāh; and they speak a lie against Allāh while they know it" [3:78].

So with absolute certainty, anything that does not have explicit wording from the Qur'ān and *sunnah*, or is encompassed within a general word from Qur'ān *sunnah*, whether it involves obligations or prohibitions, cannot be derived through *qiyās*, as it is not indicated by any of the *nuṣūṣ*. It is, then, a source other than Allāh and His Messenger and whatever is not from Allāh and His Messenger is false. As Allāh warns, "These are the limits (rulings) of Allāh, so do not transgress them. And whoever transgresses the limits of Allāh - it is those who are the wrongdoers" [2:229, 65:1].

<sup>443</sup> Sahīh Al-Bukhārī 7288

And Allāh says, "But those among them who did wrong changed the word that had been told to them. So We sent on them a torment from the heaven in return for their wrong-doings" [7:162]. This is about the exact same as before. Anyone who attempts to deduce a judgment of Allāh using Ra  $\bar{\imath}$  or  $qiy\bar{a}s$  concerning matters that are forbidden ( $har\bar{a}m$ ) or obligatory (obliging) without  $nus\bar{u}s$  falls under this stern condemnation. And Allāh says, "Are you more knowledgeable or Allāh?" [2:140].

Allāh describes his words when he said: We have sent down to you the Book as an explanation of everything, and as a guidance, mercy and glad tidings for the Muslims" [16:89]

And when he said, "So once We have recited a revelation 'through Gabriel', follow its recitation 'closely'. Then it is surely upon Us to make it clear 'to you'" [75:18-19].

And when he said, "And We sent not before you except men to whom We revealed [Our message]. So ask *ahl al-dhikr* (People of the Qurʿān and the *sunan*) if you do not know. [We sent them] with clear proofs and written ordinances. And We revealed to you the *dhikr* (Qurʿān and *sunan*) that you may make clear to the people what was sent down to them and that they might give thought" [16:44-45].

Allāh explicitly states that the responsibility for explaining anything including the principles of *sharī'ah* rests solely with Him and His Messenger  $\stackrel{\text{\tiny $a$}}{=}$ , and not with  $Ra'\bar{\imath}$  or  $qiy\bar{a}s$ . Rather, it is nothing other than the textual guidance of the Qur'ān and the *sunnah*. Anything other than this is misguidance.

Allāh says, "Say, 'Is it the two males He has forbidden or the two females or that which the wombs of the two females contain?" Or were you witnesses when Allāh charged you with this? Then who is more unjust than one who invents a lie about Allāh to lead mankind astray without knowledge?" [6:144]. Any saying not rooted in Allāh's guidance is a false claim made against Him.



Allāh's guidance calls upon us to adhere to His and His Messenger's teachings , refraining from exceeding the boundaries set by them, and avoiding the imposition of prohibitions or obligations that they did not establish. So anything not in the words of Allāh and His Messenger is unquestionably falsehood.

Allāh says, "Is it not sufficient for them that We have sent down to you the Book (the Qur'ān) which is recited to them? Verily, herein is mercy and a reminder (or an admonition) for a people who believe" [29:51]. Allāh makes it clear that the recitation of Qur'ān alone is sufficient and that any ta ' $w\bar{t}l$  that deviates from  $nus\bar{u}s$  or  $ijm\bar{a}$ ' is invalid. We are directed not to seek guidance from any other source beyond the words of Qur'ān and Sunnah. Allāh emphasizes this in the verse, "No matter what any of you may have differed over in any way, its ruling is to be referred to Allāh. That One is Allāh, the Lord of mine; in Him alone I have placed my trust, and to Him alone I turn (in every matter)" [42:10].

Allāh says, "And if you dispute over anything, refer it to Allāh and the Messenger , if you should believe in Allāh and the Last Day. That is the best [way] and best in result" [4:59]. Allāh has explicitly prohibited resorting to  $tah\bar{a}kum$  and resolving disputes through any source other than Himself and the words of the Prophet . This means that turning to anyone besides the Prophet , including Ra  $\bar{i}$  or  $qiy\bar{a}s$ , is strictly forbidden and invalid. Allāh indicates the seriousness of this by saying, "If you should believe in Allāh and the Last Day." So it is incumbent upon all Muslims upon whom the hujjah is established to distance themselves from such practices and reject any false ta  $\bar{i}$   $w\bar{i}$  from anyone in favor of adhering strictly to the ta  $\bar{i}$   $w\bar{i}$  derived from the Qur  $\bar{i}$  a, a, a, or the Arabic language. Allāh admonishes against attributing falsehood to Him, saying, "And do not say lies concerning that which your tongues describe, 'This is lawful and this is unlawful, in order to fabricate lies and attribute them to Allāh; indeed, those who fabricate lies and attribute them to Allāh do not succeed'" [16:116].

Allāh has explicitly forbidden the act of making rulings, whether they involve prohibition, obligation, or permission, and He has characterized anyone engaging in such actions as a liar. Allāh says, "Say, 'Tell me, what Allāh has sent down to you of provision! And what you have decided to prohibit and allow [from it]?' Say, 'Has Allāh allowed you to do so, or do you invent a lie against Allāh?' And what will be the supposition of those who invent falsehood about Allāh on the Day of Resurrection? Truly, Allāh is full

of Bounty to mankind, but most of them are ungrateful" [10:59-60]. Allāh labels as a liar anyone who prohibits, permits, or obliges without explicit permission from Him. This categorization corresponds to the description of  $qa'is\bar{n}$ .

Allāh says, "So, do not put forward similitudes for Allāh (as there is nothing similar to Him, nor He resembles anything). Truly! Allāh knows and you know not" [16:74].

And Allāh says, "Look how they strike for you comparisons; but they have gone misguided, so they cannot find the (right) way" [17:48].

And Allāh says, "And if one of them is informed of the news of that which he sets forth as a parable to the Most Gracious (Allāh), his face becomes dark, and he is filled with grief!" [43:17].

And Allāh says, "Or they say: 'He (the Prophet) forged it (the Qurʿān).' Say, "Then produce ten forged Surahs like it, and seek [for it] help from whomsoever you can, other than Allāh, if you speak the truth!" [11:13].

Allāh clearly states that no examples must be presented for Him, and this serves as a clear rejection of the concept of  $qiy\bar{a}s$  and a prohibition against it.  $Qiy\bar{a}s$  involves presenting examples to apply the same rulings as those found in  $nus\bar{u}s$ , whether it be obligations, prohibitions, or permissions. Allāh emphasizes His omniscience, acknowledging that He possesses knowledge beyond our comprehension. If Allāh intended for anything outside of the explicit  $mans\bar{u}s$  to be treated in the same way, He would have provided guidance and a method for it. Allāh's wisdom is beyond doubt, and He never neglects to teach us what is necessary, as Allāh says, "And your Lord is never forgetful" [19:64].

And Allāh says, "And We did not send any Messenger except with the language of his people, in order that he might make (the Message) clear for them" [14:4].

It is an established fact that the Prophet was sent with the Arabic language and used it as a means of clarification, and Allāh says, "And he does not speak out of desire it is only a revelation revealed [to him]" [53:34].

Every clarification provided by the Prophet  $\cong$  is a revelation  $(wah\bar{\imath})$  from Allāh. It is indisputable that each word in a language holds a specific and exclusive meaning, and there is no interchangeability between them. Wheat is never referred to as figs, salt is never associated with raisins, dates are never mistaken for rice, and barley is never confused with oak nuts. Likewise, intercourse is never synonymous with eating, and eating is never referred to



as intercourse. A killer is never identified as *muzāhir*, and *muzāhir* is never used to describe a killer.

Lisān has established that all rulings are contingent upon the precise meanings of words in the language and nothing else. Allāh chose Muhammad as His Messenger # exclusively with the Arabic language. It is a wellestablished fact that when there are nusūs from the Qur'an or sunnah associated with a particular word and its corresponding ruling, it is obligatory to apply that ruling in accordance with what the word itself necessitates. It is equally essential not to exceed the boundaries of the rulings as established by the Prophet . Any attempt to introduce additions or subtractions from these rulings, whether by using *qiyās* to expand them or applying *takhsīs* to restrict them, is tantamount to altering the essence of the religion. At times, such understanding may augment religious practices, while at other times, they may negate or selectively apply certain textual references based on unwarranted qiyās, leading to claims of specificity for false reasons. Examples include the views of the hanafiyyah on issues like Mūsārrāh and igra' among slaves, as well as the opinions of the mālikiyyah concerning the completeness of fasting for someone who eats forgetfully and their stance on the *hadīth* related to performing *hajj* for the sick and deceased and hundreds of other examples.

Allāh says, "They are but names which you have named - you and your fathers - for which Allāh has sent down no authority. They follow but a guess and that which they themselves desire, whereas there has surely come to them the Guidance from their Lord!" [53:23].

 $Qiy\bar{a}s$  is one such name within the religion for which Allāh has not granted permission, and there is no revealed evidence supporting it. It is merely conjecture and ra'ī without any doubt. Such as the attempt to liken  $rib\bar{a}$  to concepts such as food, weight, measure, or saving is based on false assumptions and inappropriate labels not sanctioned by Allāh.

And Allāh says, "Was not the covenant of the Book taken from them that they would not say about Allāh anything but the truth" [7:169].

This verse indicates the solemn covenant to speak only the truth about Allāh. And Allāh says, "And Allāh will establish and make apparent the truth by His Words, however much the Mujrimūn (criminals, disbelievers, polytheists, sinners) may hate it" [10:82].

Allāh says that there must be nothing said regarding Allāh except the truth And Allāh says that he will establish and make apparent the truth by His Words.

Indeed, as emphasized by Allāh, anything that does not originate from the words of Allāh and His Messenger is not the truth. Allāh says regarding his Messengers, "Their Messengers said to them, 'We are no more than human beings like you, but Allāh bestows His Grace to whom He wills of His slaves. It is not ours to bring you *sultān* (evidence) except by the Permission of Allāh'" [14:11]. This verse clarifies that the Prophets, who are the truthful ones, cannot present evidence (*sultān*) from themselves without the permission of Allāh. *Sultān* is the certain decisive evidence (*ḥujjah*). So any evidence or proof that Allāh has not granted permission for through His divine words is false. Allāh's guidance is clear, and He has never permitted *qiyās* as a valid source of evidence in matters of religion.

Allāh says, "Allāh has not made for any man two hearts inside his body. Neither has He made your wives whom you declare to be like your mothers backs, your real mothers (*zihār*), nor has He made your adopted sons your real sons. That is but your saying with your mouths. But Allāh says the truth, and He guides to the (Right) Way" [33:4]. And Allāh says, "None can be their mothers except those who gave them birth. And verily, they utter an ill word and a lie" [58:2].

Allāh prohibits anyone from assigning a motherly status to anyone other than the woman who gave birth, and likewise, it restricts the term "son" to those born through natural childbirth. While Allāh also made our mothers those who did not give birth to us such as the wives of the Prophet and through breastfeeding. So it is established from this that if Allāh makes a ruling that it becomes necessary without ta  $l\bar{l}l$  and that the one that wants to give a ruling on an issue that has no  $nus\bar{u}s$  for it, similarly to a ruling that does have  $nus\bar{u}s$  comes with something munkar. And it is not for anyone to say what Allāh has not said, there is in this sufficiency. We acknowledge the wives of the Prophet as our mothers in terms of  $tahr\bar{l}m$  because this designation is established through specific textual evidence. We do not use ever  $qiy\bar{a}s$  to equate our relationship with them to that with our biological mothers. This underscores our obligation to adhere strictly to the explicit  $nus\bar{u}s$  without drawing unwarranted comparisons to other rulings.

They say regarding the verse, "This day I have completed your religion for you, completed My Favour upon you." [5:3]. And regarding the narration,



where the Prophet said the Thursday before is passing, "Bring me something [to write on] so that I may write to you something after which you will never go astray." And regarding the narration of 'Ā'isha, "Waḥī was never revealed any more than before his passing." They say regarding these, "So there were many rulings revealed additionally after the verse, 'This day I have completed your religion for you, completed My Favour upon you." [5:3].

And other *ahl ul-jahl* also mention the narration about the book the Prophet wanted to write and agree with the acts of 'Umar regarding that book.

The answer: these arguments are entirely baseless, and they resemble the arguments put forth by disbelievers and heretics. A Muslim must not express any claim in the manner they do. Their first claim denies the words of Allāh in the Qurʿān, suggesting that there are aspects of the religion that were left incomplete, which contradicts the clear Qurʿānic verse. As for the other individuals who support the narrative about the book the Prophet wanted to write and concur with 'Umar's actions, we have previously explained in detail why 'Umar's actions were incorrect. Following such actions is nothing but *kufr* for the one following those actions not 'Umar himself.

All these  $nus\bar{u}s$ , or textual references, align with the truth and do not contradict one another in any conceivable manner. The verse affirming the completeness of the religion was revealed on the day of 'arafah during hajjat al-wadā', three months before the passing of the Prophet . Even if subsequent  $shar\bar{a}'i'$  revelations occurred, they would not contradict this verse, as the religion remains complete at all times, and Allāh has the authority to abrogate or augment it as He wills. This prerogative solely belongs to Him. It is known that the Prophet ordered the expulsion of all non-believers from the Arabian Peninsula just before his passing. This shar' (divine legislation) had never been revealed before. If it had, the Prophet would not have permitted them to reside in the region. The purpose of the verse is to emphasize that Allāh alone is responsible for overseeing the completion of the religion. Whatever is perfected by Him is beyond modification by anyone else, whether through  $qiy\bar{a}s$  or Ra  $\bar{i}$ . This is abundantly clear.

Regarding the Prophet's directive to write a book on the Thursday, four days before his passing, that book was intended solely to designate Abū Bakr as the next *khalīfah* of the Muslims. Those who opposed the writing of this book, such as 'Umar and others, were in error, but their intentions were noble, and they are excused. They are rewarded for the goodness of their intentions,

even though the Prophet  $\stackrel{\text{def}}{=}$  instructed them to leave his presence for arguing about the book he wished to write. There was also opposition to this book from a group of the  $ans\bar{a}r$  on the day of  $saq\bar{\imath}fah$ .

And there arose opposition from  $sh\bar{\imath}'ah$ , and a group from them left Islām. The matter of that book is what saddens  $ahl\ ul$ - $isl\bar{a}m$ . If that book had been written by the Prophet  $\cong$  then the  $ikhtil\bar{a}f$  on  $im\bar{a}mah$  could have ended and no one would go misguided on the topic. But Allāh says, "So that Allāh might accomplish a matter already ordained (in His Knowledge)" [8:44]. This was from the mistakes of an ' $\bar{a}lim$ , we mean 'Umar, may Allāh be pleased with him, that day and he warned us himself for these things later as well. We say and firmly believe that whatever the Prophet  $\cong$  intended to write the book that day, if it would be additional shar' such as prohibitions, permissions, obligations, or abrogations, he would not have refrained from providing clarity due to 'Umar's opinion or anyone else's. He knows from  $wah\bar{\imath}$  that it would still be complete regarding the  $wil\bar{a}yah$  of Abū Bakr. Because of the narrations we mentioned that the Prophet  $\cong$  had already said that all mu' $min\bar{u}n$  reject anyone as a  $khal\bar{\imath}fah$  except Abū Bakr.



## The Certain Evidences Indicating The Falsehood Of *Qiyās*

Many of them believe in *qiyās* because of *qiyās* al-ghā'ib ila al-shāhid (analogy of the absent based on the present). The 'present,' refers to what is known through sensation or necessity even if it is not perceptible. And the 'absent,' refers to what is beyond sensation not within any of the senses. Inferencing the absent by the present implies, inferring what is unseen based on what is seen; that is, the present testifies to what is before the senses and eyes, while the absent is its counterpart, indicating the imperceptible.

The application of *qiyās al-ghā'ib ila al-shāhid* in matters of *sharā'i'* is false and misleading. If they attempt to use this as an evidence, they admit that a *far'* is something no one can comprehend, which goes against *qiyās* and the religion, as no one can do what is impossible to comprehend. Every single Muslim knows that there is nothing hidden in the religion for the Muslims, Allāh sent the Prophet to clarify everyone every single thing about the religion. Allāh the Most Exalted said, "And We sent not before you except men to whom We revealed [Our message]. So ask *ahl al-dhikr* (People of the Qur'ān and the *sunan*) if you do not know. [We sent them] with clear proofs and written ordinances. And We revealed to you *dhikr* (Qur'ān and *sunan*) that you may make clear to the people what was sent down to them and that they might give thought" [16:44-45].

The Prophet  $\stackrel{\text{def}}{=}$  is one of two with no third to it: He either made everything clear to the people about every matter thing that has to be known or he did not clarify every single thing that must be known. Whoever says the second is an infidel by  $ijm\bar{a}$  of the ummah. Regarding the first, that the Prophet  $\stackrel{\text{def}}{=}$  clarified all knowledge, there exists undeniable certainty that this indeed is the truth.

There is then absolutely no room within the religion for the acceptance of their false approach suggesting concealed matters. This particular approach is taken by certain *mutakallimīn* affiliated with *ashā'irah*. However some of their other scholars, like Al-Jurjānī and Al-Rāzī vehemently refuted and

debunked this approach, declaring it as false. Those who adhere to this approach engage in *istikhrāj* (deduction) of *aḥkām* that were not revealed to the Prophet by Allāh. These deductions pertain to matters that are, in reality, concealed from us, and we ought to reject them. However, they affirm these deductions, and this affirmation is *kufr* for anyone who declares or believes in them. This stance directly contradicts the Prophet's declaration when he stated, "O Allāh! have I not conveyed it? O Allāh be witness [to it that I have conveyed]," affirming that he had faithfully conveyed the entirety of Allāh's guidance, every single ruling, without any hidden aspects.

They argue, "The  $nu\bar{s}u\bar{s}$  are either  $khaf\bar{i}$  (unclear) or  $jal\bar{i}$  (clear). If all of them were clear, then a scholar and an ignorant person would have equal understanding. If all were unclear, then no one would comprehend it. So,  $qiy\bar{a}s$   $al-jal\bar{i}$  is necessary to understand the unclear."

The answer: This approach is false since all  $ahk\bar{a}m$  (rulings) are inherently clear. Allāh's words affirm this, "And We sent not before you except men to whom We revealed [Our message]. So ask *ahl al-dhikr* (People of the Qur'ān and the *sunan*) if you do not know. [We sent them] with clear proofs and written ordinances. And We revealed to you *dhikr* (Qur'ān and *sunan*) that you may make clear to the people what was sent down to them and that they might give thought" [16:44-45]. The Prophet emphasized this clarity by stating, "O Allāh! have I not conveyed it?" It is impermissible for any Muslim to believe that Allāh instructed His Messenger to clarify every aspect of the religion and then failed to do so. Such a belief must not take root in anyone's mind. We are certain that the Prophet indeed clarified every aspect of the religion, leaving no ambiguity in any of the *ahkām*.

'Umar said, "O people, the *sunnah* and obligations have been clearly outlined for you. You have been left with utmost clarity, where the nights are as illuminating as the days, except if a person deliberately misleads." <sup>446</sup>

However, there are individuals who may struggle to grasp the words conveyed in Qur'ān or *sunnah* for various reasons. Yet, some person's inability to comprehend does not rule the information inherently unclear or prevent others from understanding it. This can be observed distinctly, as evidenced when 'Umar faced difficulty comprehending the verse of *al*-

<sup>444</sup> Sahīh Muslim 2887

<sup>443</sup> Ibid

<sup>&</sup>lt;sup>446</sup> Jāmi Bayān al- Ilm Wa Fadlihi



kalālah, while others had no such difficulty. Ḥafṣah affirmed that 'Umar persistently struggled to comprehend it. So, it is evident that 'Umar faced a challenge in understanding, not due to the lack of clarity in the verses, but because of his individual struggle. the Prophet also affirmed, "What is ḥalāl is clear, and what is ḥarām is clear. In between, there are ambiguous matters that many people do not know."

He did not say that the *mutashābihāt* (ambiguous matters) are unknown to everyone, but rather that some individuals lack understanding of them. In such cases, those lacking understanding must inquire those with knowledge, as Allāh says, "Then ask *Ahl ul-Dhikr* (those who know Qurʿān and *sunnah*), if you do not know" [16:43]. He did not suggest resorting to *qiyās* if one is uncertain. So, the false claim of certain individuals becomes evidently clear.

The truth is that the religion is inherently clear, and it's only certain individuals who may struggle to comprehend due to lack of diligence or abandonment of exploration. Even scholars might face difficulty in understanding, either by delving into inappropriate word meanings or being engrossed in other matters. However, many scholars find the religion entirely clear. If it were not so, an ignorant person would never comprehend anything, which is untrue, and those unable to understand would not be accountable for carrying out the obligatory acts.

They contend, "When we see two eggs hit each other and break, we deduce that all other eggs break in the same way, using  $qiy\bar{a}s$ ."

The answer: None of this indicates *qiyās*, as we said before that a *far* ' can only be something that can be comprehended, because no one is burdened with that which cannot be comprehended, and no one knows the similarities between two matters if the other is something which cannot be comprehended.

Our understanding is not derived from *qiyās*. Rather, we comprehend this through immediate sensory perception and necessary inference that a less solid object, such as an egg, breaks upon impact with a more solid object, resulting in fragmentation or deformation. We do not say: Since an egg is similar to another egg, it becomes necessary to break if it collides with a solid object. This claim is clearly false. This argument actually invalidates the use of *qiyās*. Eggs from vipers, geckos, and small birds, while falling under the broad category of egg, significantly differ in attributes. Yet, they all break when they come into contact with a more solid object.

<sup>447</sup> Sahīh Al-Bukhārī 47, 1/18

If we were to craft an object resembling an ostrich egg by emulating most of its attributes using phytelephas and filling it with water, it would only share an outer body resemblance with a partridge egg. When subjected to impact by a stone, it wouldn't break like a partridge egg. While it still would resemble eggs in some of their attributes the same way only some eggs resemble each other in only some of their attributes as they are different in some ways but still called eggs.

So, it is evident that similarity alone does not compel identical rulings. Their claim that knowledge of egg breakage is solely based on previous observations is false and false. Understanding that an object will break does not hinge on mere similarity, which dictates it should break in the same way as another.

The accurate saying is that everything categorized under a specific term in the language inherits its associated rulings, regardless of whether it shares similarities or not. A large, round, black grape resembles the eyes of a small black cow from a certain aspect, while they resemble, they have different terms. And this resemblance doesn't mandate similar nature, or similar rulings. Similarly, the comparison between a white grape and a black eye does not necessitate a difference in nature despite differing appearances, while they are encompassed by the exact same term. So Applying rulings based on similarities is absolutely false; the appropriate approach is to assign rulings based on names (terms) alone.

We emphasize that if the Prophet provides a ruling for a specific term, all subsequent references to that term inherit the same ruling. As for  $qiy\bar{a}s$ , which we reject, it involves assigning a ruling to a term lacking direct  $nus\bar{u}s$  but sharing similarity in one aspect with existing  $nus\bar{u}s$ . Such as the ruling of  $naj\bar{a}sah$  falling in oil taking the same ruling as a rat entering ghee. And whatever is similar to that method. We firmly denounce this false methodology.

People possess an understanding of the intrinsic nature of things before encountering them. Only a  $j\bar{a}hil$  or mentally unsound individual would reject this. It is universally acknowledged that a child, without prior exposure to fire, instinctively avoids it, showcasing an inherent awareness of danger. Similarly, a young child instinctively uses their hands to protect themselves, unaware that hitting can cause harm. They also refrain from biting even before the growth of teeth, understanding the potential harm it can cause. This instinctive behavior is also observed in animals that cannot communicate verbally. For



example, a young bull attempts to butt using its head, even when lacking horns, and animals instinctively use their claws for defense before they are fully developed.

In this manner, we understand that the fundamental nature of any object can transform through rejection or alteration of its structure upon interaction with a solid entity with velocity. In this manner we acknowledge that fire on Earth and under the celestial sphere burns, not due to *qiyās*, an approach invalid in matters of *sharā'i'*. Fire has maintained its burning state since its creation, except for the fire experienced by Ibrāhīm. It is incorrect to extend it by *qiyās* to anyone other than him.

It is an undeniable fact that eggs are bound to break upon encountering any solid force with velocity. In early Islām, the exchange of wheat more or less wheat was permissible for a certain period. Likewise, various aspects of  $shar\bar{\iota}'ah$  have changed before the passing of the Prophet . No practice became obligatory until explicitly stipulated by  $nus\bar{\iota}us$ , and nothing was deemed  $har\bar{\iota}am$  until expressly specified by  $nus\bar{\iota}us$ . Historically, there has never been a compulsion to use  $qiv\bar{\iota}us$  for deriving new rulings. Even now, it remains unnecessary when there is no  $nus\bar{\iota}us$  for the purpose of prohibition, obligation, or permission.

They also say, "The contents of a nut and a pomegranate can be inferred based on a single characteristic through *qiyās* derived from prior observations. Without this, one might assume the contents to be empty or something different from their usual form. This logic applies to heads as well; their contents are brains, and similarly, the stomach contains internal organs. It's evident that a human baby cannot be born from a donkey. Moreover, the certainty that living entities will eventually experience death is also derived through *qiyās*."

The answer: This argument is among the most false claims they make. No person of even the slightest intellect would ever believe that just because we understand the contents of a pomegranate, nuts, stomach, head, or any other entity, or know that a human cannot be born from a donkey, it implies and obliges in the religion that: oil becomes impure if a bird dies in it, but not if a hundred scorpions perish in it. Or that selling fruit for more or less fruit is  $har\bar{a}m$ , yet selling apples for more or less apples is deemed  $hal\bar{a}l$ . Or that if a cat dies in a well, forty buckets of water must be removed from it, but if a single drop of urine falls into it, the entire well is to be emptied. Or that touching the anus breaks the  $wud\bar{u}$ , while touching the breasts does not. All

of these are their views, there is absolutely no correlation between this line of reasoning and any of the rulings derived from  $qiy\bar{a}s$ .

Someone who believes these approaches are comparable lacks intellectual depth. The primary natural instincts mentioned are inherent, placed by Allāh in human hearts, yet the mechanism of this knowledge remains unknown. A belief is either substantiated by evidence or remains a baseless claim. Validity stems from  $nu\bar{s}\bar{u}\bar{s}$ , necessitated by Allāh's declaration, not false claims.

If children see a pomegranate they will try to open it, in the exact way he saw others do it. If that is  $qiy\bar{a}s$  according to them then according to you, a child knows how to use  $qiy\bar{a}s$  in the religion in the exact same manner as you because of opening pomegranates.

If they would ever reflect on the world and nature, its various types, specifics and symptoms none of them would use any of these to claim *qiyās*. Their attempt to equate natural processes with *qiyās* is a contrived concept and doesn't seek the face of Allāh.

Their method is also not far from the one that calls  $khinz\bar{\imath}r$  (swine): ayl (deer), to permit a swine and to prohibit a deer. allowing the former and forbidding the latter. These conclusions expose the weakness and fallacy of their approach, one they struggle to distance themselves from.

The falsehood of their claim is indicated by asking: Is the relationship between figs and wheat identical to that between nuts and nuts, or pomegranates and pomegranates, or humans and humans? If anyone foolishly agrees, they oblige paying  $zak\bar{a}h$  for wheat by using figs and oak nuts on its behalf. No one with 'aql beliefs this claim. And also, if one vows not to eat wheat but consumes figs, they break their oath, exposing the fallacy of their  $qiy\bar{a}s$ -based reasoning.

These false arguments invalidate their own standpoint and affirm our approach. Pomegranates are distinct from nuts, just as cats differ from rats, and oil is unlike ghee. Reasonable individuals readily acknowledge this. When the Prophet prohibited trading wheat for more wheat, the prohibition applies exclusively to wheat, not other commodities. Similarly, when he directed disposing of ghee contaminated by a rat's demise, it is only about such ghee, not any other substance.

On the contrary, their prohibition of selling oak nuts for more or less oak nuts based on *qiyās* from wheat, or requiring spilling oil based on *qiyās* from ghee, is akin to claiming that whatever is inside almonds is the same as what



is inside of pomegranates. This comparison is utterly false. This is the  $qiy\bar{a}s$  methodology they are upon, falsely applying it from one term to another.

We pose another question to them: Since you claim children know death because of  $qiy\bar{a}s$ , is your understanding of the inevitability of death the same as your understanding of the rulings such as prayers,  $zak\bar{a}h$ , fasting, and rulings regarding transactions and  $nik\bar{a}h$ ? If they claim it's the same, it implies they don't need the guidance of the Prophet #, implying they knew the  $shar\bar{i}$  ah before being taught—an absurd claim no one would make.

Furthermore, we ask them: Was the outer covering of a pomegranate ever identical to that of almonds? If they affirm this, they are stating a falsehood. If they deny, we inquire: Was there ever a time *khamr* and trading wheat for more or less wheat were  $hal\bar{a}l$ ? If they concur, which is the truth, admitting it was allowed for a period before being prohibited, they acknowledge that such rulings aren't contingent on the physical similarities of almond and pomegranate covers. Nature, created by Allāh, remains constant since the dawn of creation, unlike the evolving  $shar\bar{\iota}'ah$ , abrogated and replaced over time. Anyone comparing sensory knowledge of nature to the changing  $shar\bar{\iota}'ah$ , before the passing of the Prophet , which is known only through authoritative texts  $(nus\bar{u}s)$ , is clearly misguided.

They also claim, "Qiyās entails additional benefits beyond the nuṣūṣ."

The response remains steadfast: In matters of the religion, there are no additional benefits beyond the  $nus\bar{u}s$ , nor must anything be subtracted. Transgressing these boundaries is the epitome of falsehood—claiming the addition of "benefits" over the  $nus\bar{u}s$ .

They say, "Your understanding of *fiqh* by taking the apparent resembles the action of a slave when his master said to him, 'Bring me a washtub and a jug.' Then the slave brings both to him, with no water in the jug. The master then says to him, 'Where is the water?' The slave answers, 'You did not order me to bring it with water, you only ordered me to bring you a washtub and a jug, and I do not do anything except what you ordered me."'

The answer: And your understanding of fiqh indeed mirrors the actions of a slave in reality. When the master instructs a slave, "Whenever I command you, do that and anything resembling it," and then imparts the concept of  $qiy\bar{a}s$ , the slave commits it to memory and accepts it. Later, upon finding his master suffering from a fever and the master requesting the slave to bring a doctor, the slave returns with some of his companions. The master queries, "Has someone passed away?" The slave responds, "No one." The master

inquires further, "Then why are those who perform *ghusl* for the deceased, those with burial materials, and a coffin all here?" The slave retorts, "Didn't you command me to carry out actions resembling your orders?" The master acknowledges, "Yes." The slave concludes, "You ordered me to fetch a doctor, not specifically for your fever. The *'illah* (reasoning) behind fetching a doctor resembles nothing but death, and death implies procuring those who perform *ghusl*, burial materials, and a coffin. So, I brought everything as you instructed."

Regarding the slave they mentioned earlier, there is no fault in his method, as it's entirely possible that the master might use these items for various purposes, such as selling or displaying them to others. As for the slave in our example, his approach mirrors the exact method of the  $qa'is\bar{n}$ .

They argue, "You claim that when the Prophet  $\cong$  issues a ruling on a specific matter, it applies universally to everything described by that term. This is  $qiv\bar{a}s$ ."

The answer: We have previously explained this approach. The belief is that the Prophet was sent to judge every type of creation in the world, using the wording that encompasses their meanings. He cannot address that which is not yet created, beyond mentioning the word of the ruling. This implies that the ruling applies to everything the word signifies, unless the Prophet explicitly specifies or makes exceptions for individual, as seen when he told Abū Burda Ibn Niyār, "Yes but it will not be valid for anyone besides you."

They argue, "Then why do you not say regarding when the Prophet "ordered Fāṭimah Bint Abī Ḥubaish about when she had *istiḥāḍah*, that it is only a valid ruling for anyone whose name is Fāṭimah?"

The response: The Prophet did not specify that this ruling only applies to all women named Fāṭimah. He only stated that menstrual blood is black and recognizable. He outlined the necessary actions to take when it begins and when it ends. The Prophet directed the implementation of the required procedures for menstruation, purification, and <code>istihāḍah</code> whenever they occur, making it applicable to any woman experiencing these situations.

We also present a counter argument and state: the Prophet ## mentioned about <code>istiḥāḍah</code> blood, "It is only an 'irq (vein)." He explicitly explained that menstrual blood is black and easily recognizable. If, based on <code>qiyās</code>, you

<sup>&</sup>lt;sup>448</sup> Sunan Al-Nasā'ī 1581, 3/190



conclude that red, yellow, and brown blood must have the same ruling as black blood and all categorized as menstrual blood, then it implies that the same *qiyās* must be applied to every vein that releases blood from a woman's body, like nosebleeds and wounds, similar to *istiḥāḍah*. Otherwise, you contradict your own method and abandon *qiyās*.

It is evident to anyone with even a basic level of intellect that if  $qiy\bar{a}s$  were to hold true, a bleeding vein would be more analogous to another bleeding vein than the  $qiy\bar{a}s$  of prohibiting selling oysters and chestnuts based on the prohibition of selling wheat and dates for more. Some hanafiyyah, have indeed implemented this reasoning. Since they require  $wud\bar{u}$  to be broken due to any bleeding vein because of the  $mustah\bar{a}dahs$  vein, it then becomes obligatory to apply the same principle for ghusl as it is obligated for the  $mustah\bar{a}dah$ . There is no escaping the necessity of this conclusion.

They argue, "We do not know if the bodies of the Chinese people are like ours except through *qiyās* from what we witnessed before."

The response: This claim is akin to the arguments we have already clarified in detail. We don't need *qiyās* to establish this knowledge; it's a matter of common sense. Everyone knows with necessity that our knowledge of the one who is divorced thrice is not allowed for the one that divorced her except after she marries and has intercourse with that husband, is not anything like our knowledge of knowing if Chinese people are humans like us. He could instead be allowed for her after a thousand divorces without requiring her to marry someone else, if it were not for the *nuṣūṣ*. This is the same for selling wheat for wheat and other ruling mentioned by *nuṣūṣ*. These matters could have existed being allowed for thousands of years with none of them being prohibited before and not obliging. And bodies have never been unable to move or be still, and human bodies have not been any different in shape the way it is ever. The one who resembles *sharā'i'* to nature is in a worse state than who is insane because he selects the method of the one who is insane while the insane one is excused.

If they were to listen to themselves, they would realize how their own claims contradict them. Our knowledge that there are humans in China until the Day of Judgment, based on our knowledge that we are humans, is the exat same our knowledge from  $nu \circ \bar{u} \circ \bar{u}$  that any wheat, whether it is in China, India, or any place where Allāh creates wheat until the Day of Judgment, is prohibited to be sold for more or less wheat.

However, for them, it would be necessary to apply this method wherever it implies. Since they extend the ruling of selling wheat to figs and rice, they must also extend the ruling of human bodies to the bodies of mules and claim, "The mules of China have the same body as humans because the relation between rice and wheat is like the relation between mules and humans, with no difference."

Furthermore, they are compelled, given their practice of making  $qiy\bar{a}s$  from the unseen to the seen, to claim that angels and  $h\bar{u}r$  al-'ayn are made of flesh and blood, just like humans. Their method implies that angels can get sick, become intoxicated, and die, just as humans do, and that there are among them Farmers, salt sellers, and individuals engaged in various activities, just like humans. If they accept this, they would contradict and invalidate their own method of making  $qiy\bar{a}s$  from the unseen to the witnessed.

Indeed, the reality is that there is nothing concealed from reason ('aql) that the 'aql can affirm that nothing is unclear or hidden from the  $nu\bar{y}\bar{u}\bar{y}$  of the  $shar\bar{\iota}'ah$ .

Their argument persists, "Everything resembles something from a certain aspect, so it is obligatory to conclude a ruling from where they resemble (the most)."

The answer: This claim lacks evidence and is a groundless claim, devoid of straightforward reasoning. In reality, if two things share similarity in one aspect, they are simply what they are in that aspect. One is not more deserving of consideration than the other based on a single similarity, nor is one more likely to be the *aṣl* or *far* ' than the other. Neither is more appropriate for *qiyās*. Just as Zayd is not more likely to be a human than 'Amr, and Khalid's donkey is not more likely to be a donkey than Ahmad's donkey. This principle applies to everything else in the world.

Similarly, in matters of the *sharī'ah*, the wheat of Baghdad is not more likely or earlier to be prohibited for selling for more wheat than the wheat of Al-Andalus. Likewise, the fat of Madīnah, if a rat dies in it while it is fluid, is not more likely or deserving of the ruling to be spilled than the fat of Egypt. There is no doubt about this.

The fact that if two things have much similarity but still have different terms, is a certain indication that a mere resemblance was not that which causes both of them to have the same terms. In the exact same way rulings of two issues do not become the same because of the reason they resemble the most, this has become very evident with all that has preceded.

Their fallacy regarding attributing the same ruling to something that resembles another type in some of its attributes is pure falsehood, for many reasons. Firstly, it is a ruling with no evidence, the Prophet said, "Cursing a believer is like killing him." Every Muslim knows that there are no greater similarities than those defined by Allāh and His Messenger. It is certain and well-known that cursing a believer is akin to killing him, and the entire ummah concurs unanimously that cursing a believer does not permit shedding the blood of the one cursing, just as it becomes permissible for actual killing. There is no diyah (blood money) obligation in the same way it is for actual killing, and the amount of examples for this are many. So the claim that, "Two things sharing similarity in one aspect in  $shar\bar{t}$  ah must have the same ruling if the second ruling is not mentioned by  $nus\bar{u}s$ ," is completely invalid and false.

That which also indicates the falsehood of their claim is that: every entity in the world inherently shares similarities with others, whether in attributes or limitations. This ubiquitous similarity is intrinsic to the diverse nature of existence, encompassing the *muḥdath*, *jism*, and 'araḍ. Moreover, these similarities intensify with increasing resemblance between two entities. If their methodology were rigorously applied, designating something as ḥarām would swiftly extend to an impractical universal, indicating the prohibition of everything that exists, given the similarities they share among various aspects. If they were to pursue this extreme interpretation consistently, they would inadvertently lead themselves towards apostasy. And rejecting this understanding implies turning away from their false approach. This indicates the inconsistency and impracticality of their stance, the importance of abiding by the defined boundaries set by Allāh and His Messenger—permitting, forbidding and obliging based only on their explicit directives.

Moreover, if we follow their line of reasoning to its logical conclusion, a troubling paradox emerges. If one thing being deemed  $hal\bar{a}l$  implies universal permissibility due to similarity in certain aspects, it implies that everything in existence would be  $hal\bar{a}l$ , leading to a perilous theological dilemma. Should they accept this  $l\bar{a}zim$ , they apostate. And rejecting this understanding implies abandoning their false method of  $qiy\bar{a}s$ .

Adding to the complexity, it is also very possible for situations to arise where both *ḥalāl* and *ḥarām* aspects coexist in an entity. This would compel them to simultaneously classify something as both *ḥalāl* and *ḥarām*, a clear demonstration of the impracticality and inconsistency of their methodology.

The only valid course is to adhere to the prohibitions, permissions and obligations outlined by Allāh and His Messenger only, never overstepping the boundaries set by Allāh.

It is said to those who believe in *qiyās*: What you declare obligatory or prohibited based on *qiyās* or *Ra'ī*, who is the one that obliged or prohibited that issue, did Allāh and his Messenger rule that or anything other than Allāh and his Messenger? There is no third option. If they say, "Allah and his Messenger ruled it." This is a very evident lie, they are burdened to bring where they found Allah and his Messenger rule it obligatory or prohibited. There is no difference of opinion that the ruling of Allāh and his Messenger are not known except through the words of Allāh and his Messenger, either from Qur'ān or the narrations of the reliable narrators. If the ruling is not from any text from Allāh or his Messenger, then it is know with certainty that the one ascribing that ruling to Allāh and his Messenger is a liar without any doubt and has said about Allah without knowledge and this is made similar to shirk and a bequest from satan, Allāh the Almighty says, "My Lord has only forbidden immoralities, what is apparent of them and what is concealed and sin, and oppression without right, and that you associate with Allah that for which He has not sent down authority, and that you say about Allah that which you do not know" [7:33].

And if they say, "Someone other than Allāh and his Messenger prohibited it or declared it obligatory." This is false because it is an institution of a religion which Allāh has not ordained. Allāh the Most Exalted says, "Or do they have partners with Allāh who have instituted for them a religion which Allāh has not ordained?" [42:21]. As they concur that it is a method of deriving rulings that are not from the words of Allāh and His Messenger, they acknowledge that they have ruled which Allāh did not rule and institute as a religion which Allāh has not allowed, this is false by *ijma*.

If they say, "The ruling was from Allāh and his Messenger but he they did not mention it." This is false without any doubt, it is not possible for Allāh and his Messenger to oblige us rulings without clarifying it to us.

Allāh the Most Exalted protected us from that when he said, "Allāh does not burden a soul except what it is able to" [2:286]. It is not in our ability to ever know what Allāh and his Messenger intend except when He or His Messenger clarify us, so this is false as no one can be burdened with that which they are unable to.

If they say, "The ruling is something Allāh and His Messenger have not said regarding it, but the Qur'ān and *sunnah* show an indication towards it." It is said to them, "Provide your certain evidences if you are truthful" [2:111]. Where is your certain evidences for it in the Qur'ān and *sunnah*? This does not exist, it is a mere claim that is free from certain evidences just as their claim that when Allāh prohibited the sale of wheat for more wheat that it inherently indicates the prohibition of selling figs for more figs, this is a mere claim with no evidences and a saying about Allāh which he did not say about himself.

There would only ever exist an indication for *qivās* if Allāh or His Messenger would have said, "If Allāh or His Messenger rule an issue, then rule everything that is similar to it from a certain aspect the same and use the *illah* of any ruling from texts for any issue with no texts that goes along with that 'illah the same." If this exist it would be a clear obligation for qivās, as for what they utter without knowledge and only depend on conjecture, none of it is an evidence. They believe the scholar is burdened to create as many rulings as possible because of that false method. While the Messenger of Allāh said, "Leave me as long as I leave you, for those who were before you were destroyed because of excessive questioning, and their differences to their prophets." Such an order does not exist from Allah or his Messenger, and if it would be the case that it did exist, then all ahkām would become invalid as Allāh, in all of His creation, has instilled similarities, everything sharing certain attributes, yet differing in their jismiyyah and 'ardiyyah. If such a saying would exist then it would necessitate that everything in the world is all the same ruling, either prohibited, obligatory or permissible. And this is impossible, it invalidates all of the sharī'ah we seek refuge in Allāh from this.

If they say, "The ruling of an issue is only given with the same ruling of what is similar to it if there are texts from the words of Allāh and His Messenger for that 'illah." This is false because it attributes statements to Allāh, which he did not say about himself. There is no way for us to know the 'illah, which is the sign of a ruling except if there are texts from Allāh and his Messenger clarifying it being the 'illah for that ruling. The method of using an 'illah which is from texts for qiyās would only be the truth, if Allāh or His Messenger would have ordered, "If a ruling in the Qur'ān and sunnah is associated with an 'illah, then wherever that 'illah is found, apply the same ruling as the one associated with it." Such an order does not exist, neither within the texts nor within the ahkam. Anyone that looks in to their use of

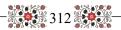
'ilal will ascertain its falsity, given the multitude of contradictions it entails such as their differences on the six types  $rib\bar{a}$  occurs for  $rib\bar{a}$  al-bay'.

Regarding their claim, "Allāh and His Messenger did not say anything directly about *qiyās*, but they indicated it." This is a mere claim that no one can substantiate. Bring forth the certain evidence for its obligation beyond mere claims, and bring the certain evidence that because of that the *'illah* of *ribā* is weight, food, storage and that the *'illah* of *mahr* is that a body part becomes permissible, and never will they bring any certain evidence.

And it is also said to them: If there is no ruling from Allāh for the method of Ra  $\bar{\imath}$  and  $qiy\bar{a}s$  which you use, then tell us how that ruling stands with Allāh. Does the ruling become the ruling of Allāh once you make a ruling with Ra  $\bar{\imath}$  and  $qiy\bar{a}s$  or does it not become the ruling of Allāh? There is no third option. If they say, "Allāh rules with our ruling once we make a ruling." The one saying such apostates as they position themselves rulers over Allāh compelling Him to abide by their devised rulings with Ra  $\bar{\imath}$ ,  $qiy\bar{a}s$ , and 'ilal. Especially when all of their rulings with that method are contradictory, which among them represents what Allāh has ruled if this is your stance? Allāh is exalted above all such claims. And if they concede that Allāh did not rule with what they rule through Ra  $\bar{\imath}$ ,  $qiy\bar{a}s$ , then they admit to legislating in the religion what Allāh has not legislated.

We also ask them: What is the precise necessity of *qiyās*? Is it for matters governed by texts or those lacking such texts for their rulings? There is no third option. If they claim, "For matters governed by textual evidence," then they admit to opposing and contradicting Allāh's orders, a stance no Muslim upholds. And if they argue, "We require it for matters that have no texts," as is their perspective, we say: Such a need does not exist; Allāh the Most Exalted invalidated it with His statement, "We have not neglected anything in the book" [6:38], and His statement, "Clarification for everything" [6:89]. Whatever Allāh and His Messenger did not inform us about is never obligatory, and we do not comprehend Allāh's intentions except through what is conveyed to us in the Qurʿān and *sunnah*.

Whoever likens anything in the texts to something else and does *qiyās*, uses an aspect he identifies between them to equate their rulings, whether due to a shared similarity or an *'illah* he perceives between them. No one is incapable of opposing the one using a certain *qiyās* by applying the *'illah* the other used for other issues than what the former finds that *'illah* to be according to him, and no one is unable to find other similarities to establish



similar rulings. Some may discern a different 'illah for a ruling than what someone else assumes it to be, or someone might identify another similarity between issues and use that to establish uniform rulings. This is something that is filled in the books of those who believe in  $qiy\bar{a}s$ , all of them invalidate the  $qiy\bar{a}s$  of each other.

And also it is posed to the adherents of *qiyās*: What is the difference between you and the one that prohibits *qiyās* because of the reason two issues differ in their attributes from certain aspects, even if they would be similar in other aspects. If they say, "If this were the case then *qiyās* would be false, but we also know that nothing exists in the world except that they are different from each other in some of their attributes." We say: Indeed, and we add to that, there is also nothing in the worlds except that they are similar to each other in some aspect. Then what justifies using the reason that they are similar in one aspect earlier and more likely than using the reason that they differ as the reason not to use *qiyās*?

Know that they are unable to provide any response to this question except to say, "We consider which aspect has the most similarity," or to say, "We do not use  $qiy\bar{a}s$  except with the 'illah of the ruling." It's said to them: Then you invalidate every single similarity except what has the most similarity. This clearly indicates that similarity in of itself does not mean that the rulings must be the same because if similarity in of itself would mean that the rulings are the same then it would lead to that a small similarity would also necessitate the same ruling even if it is from one aspect only. If a few similarities between two things do not necessitate that the rulings are the same then it indicates that  $qiy\bar{a}s$  that no  $qiy\bar{a}s$  is applies for any resemblance, whether much or less. If any resemblance would oblige  $qiy\bar{a}s$  then it would also for a few similarities. This applies for ta ' $l\bar{\imath}l$  as well.

And it is said to them: What you believe about 'ilal does not cease to either be 'ilal that are mentioned and applied to certain rulings by Allāh and His Messenger, or 'ilal from any source other than Allāh and His Messenger. If the 'ilal are from that which Allāh and His Messenger stated in the Qur'ān and sunnah, then we affirm and believe that the ruling which has come with that 'illah applies to nothing other than that specific ruling. It is not permissible to transgress it by applying that 'illah to other issues. Those who do so exceed the bounds, making rulings without certain evidence, relying on mere conjecture with no trace of evidence that the 'illah is what Allāh ordained for any issue that seems to share the same 'illah. If they fabricate

*'ilal* from sources other than the Qur'ān and sunnah, it is absolutely false because there is no certain evidence for this method, and all the concerns mentioned before apply here as well. There is no way out of this.

There is a group that claims it is possible for the rulings of the religion to originate from qiyās. This claim is false for the following reasons: Firstly, it contradicts ijma', no one before them ever suggested such a possibility. Secondly, it is impossible because if the religion originates, it is always without qiyās, as qiyās, according to all its believers, involves applying the rulings from the Qur'ān and sunnah to an issue not mentioned in them. Qiyās inherently requires textual evidence; so, it cannot initiate itself. They agree that qiyās is separate from the Qur'ān and sunnah. Thirdly, it is said to those who believe in this: Are you not certain that Allah sent His Messenger, and there were people who believed and apostatized? Everyone who believed during that time was not obligated to perform any prayer, fasting, zakāh, hajj, talāq, 'itq, 'iddah, hudūd, prohibition of khamr, and other rulings of Islām, except what the women and Anṣār gave bay 'ah for on the night of al-'aqabah. The obligation of prayer was revealed two years after prophethood, and the obligation of zakāh, fasting, hajj, the rulings of talāq and hudūd, prohibition of khamr, zinā, and other rulings were revealed in Madīnah. So it is certain that the obligation of following the rulings only arises after the revelation reaches individuals. And that the prohibition and obligation of matters are solely from Allāh, conveyed through the tongue of the Messenger of Allāh. This was the state of Muslims without any distinction before the revelation was revealed and during the lifetime of the Messenger of Allāh. If rulings were to originate from qiyas, the sahabah would have known about it and used it, yet no Muslim among them ever claimed they could make rulings during the Prophet's lifetime without his order. The people after the saḥābah are even further from it being permissible for them to do so. If they argue, "This was only during Prophet's lifetime," The answer is: Since you acknowledge it is not possible for anyone, you must provide certain evidence that this applies specifically to Prophet's time from the Qur'an and sunnah and that anyone after his life is allowed to use  $qiy\bar{a}s$  and  $Ra'\bar{\imath}$ . We seek refuge in Allāh from this belief, as it is kufr.

If they say, "But  $qiy\bar{a}s$  is referring what is not  $mans\bar{u}s$  to what is  $mans\bar{u}s$ , so the verses about returning the issue to Allāh and His Messenger then indicates the permissibility of  $qiy\bar{a}s$ ." The answer: This claim is not exempt from the fact that what you conclude is either what Allāh and His Messenger

ordered, said, or did, or it is anything other than that. It is undoubtedly anything other than what Allāh and His Messenger said, ordered, or did, and anything fitting this description is not what is referred to Allāh and His Messenger, so the obligation remains unfulfilled. Moreover, if it were as they claim, then all that was previously stated applies here too: no one knows the limits of *qiyās* with certain evidences from the Qurʿān and *sunnah*, no one knows what is correct from what is wrong, how it must be applied, when it must be applied, and all the certain evidences for the thirty-eight conditions they made up from the Qurʿān and *sunnah*. There are no certain evidences of Allāh ever ordering or teaching us any *qiyās*. If it were as they claim, then anyone could claim any false Raʿī or *qiyās* as "Referring the matter to Allāh and His Messenger." Instead Allāh did not allow returning to anything other than *qiyās* and ordered returning to nothing other than Qurʿān and *sunnah*. The falsehood of their claim is very evident.

As for the words of the Messenger of Allāh invalidating *qiyās*, it is narrated that he said, "O people Allāh has obliged *ḥajj*, so perform *ḥajj*." A man asked him, "Is it every year O Messenger of Allāh?" Then he remained silent till he was asked thrice. Then the Messenger of Allāh said, "If I were to say, 'yes,' it would become obligatory according to what you are capable of doing. Leave me as long as I leave you. Those before you were ruined due to their excessive questions and their disagreements with their prophets. If I command you anything, then do what you are able to do from it, and if I forbid you anything, then refrain from it."

This narration from the many indicates the falsehood of *qiyās* because the Messenger of Allāh stated that there is no ruling except if he orders it, and no prohibition except if he prohibits it. Anything he orders must be carried out to the best of one's ability, and anything he prohibits must be abstained from. Anything he remains silent about is left as a mercy for us, allowing us to either do it or leave it. Anything beyond this is false, and *qiyās* is clearly included within this falsehood. This narration emphasizes that his orders are obligations until he provides further clarification, and anything he prohibits remains prohibited until he clarifies otherwise. There is no necessity for him to repeat an order for it to become an obligation. Another aspect of this narration that decisively invalidates *qiyās* is Prophet's prohibition of asking questions. *qiyās* essentially involves asking questions about obligations and

<sup>449</sup> Sahīh Muslim 1337

prohibitions to fabricate 'ilal for the rulings, aiming to apply those rulings to other issues. By ordering everyone in general to refrain from questioning him until he issues a prohibition or obligation, the Messenger of Allāh prohibited ta' $l\bar{l}l$  and obligates adhering only to what he commands and prohibits. Anything else before he issues a prohibition or obligation is disregarded and not to be considered.

Another clear indication that this narration declares  $qiy\bar{a}s$  false is that the man did  $qiy\bar{a}s$  on pilgrimage based on that prayers are repeated, and that fasting is repeated, and that obligatory alms are repeated. Then the Messenger of Allāh invalidated this  $qiy\bar{a}s$ , and he ordered them with that which Allāh ordered from abandoning questioning.

The Messenger of Allāh said, "Indeed Allāh has made obligations, so do not neglect them, and He has placed limits which you must not transgress, and he has remained silent about other matters out of mercy for you, not out of forgetfulness, so do not seek them out."

The Messenger of Allāh said, "Halāl is what Allāh made halāl and Harām is what Allāh made harām, anything he is silent about is that which he had pardoned."<sup>451</sup>

If they say, " $Qiy\bar{a}s$  is something that cannot be obscured from anyone; everyone knows it by necessity, and there is no need to clarify it." The answer: Cleaning oneself after relieving oneself is also a matter not obscured from anyone, yet it was clarified by Allāh and His Messenger. If even this needs to be clarified, then  $qiy\bar{a}s$ , which is according to them the fourth source of evidence in the religion, would be the most in need of it. How can there be no evidence for using a method as evidence in the religion? And let the one who says such reflect at the huge amount of differences in their 'ilal and their differences in their  $fur\bar{u}$ '. If it were something everyone simply knows, then there would not be so many differences, the amount of differences to it are without any doubt more than the issue of excrement.

As for  $ijm\bar{a}'$ , the ummah has unanimously agreed that Allāh has clarified all rulings through the tongue of His Messenger. Whoever claims that  $qiy\bar{a}s$  is also clarified and ordered to be used must provide certain evidence, and there is no possibility for its existence. Let the one who believes in Allāh and believes in the narration from  $tar\bar{t}q$  of Salmān, "Your Prophet teaches you

<sup>&</sup>lt;sup>450</sup> Sunan Al-Dāraquṭnī 4/184

<sup>451</sup> Sunan Al-Tirmidhī 1726

everything, even excrement,"452 think: Why did the Messenger of Allāh leave the clarification of  $qiy\bar{a}s$ , its pillars, its conditions, whether it is obligatory or allowed only, when it must be carried out, and how, while it is from the  $us\bar{u}l$ of the sharī'ah? Did the Messenger of Allāh not know, while he was given all good, that the 'illah for the six types of ribā al-bay' is food, weight, measure, and storing, yet he never clarified any of that? Allāh says, "And your Lord is never forgetful" [19:64]. Anyone who comprehends even a small amount of this knows that such attribution cannot be attributed to the Messenger of Allāh, and everything he did not clarify is rejected. Allāh says, "He has explained to you in detail what is forbidden to you, except under compulsion of necessity? And surely many do lead (mankind) astray by their own desires through lack of knowledge" [6:119]. Knowledge is from none other than Allāh, and without any doubt, we mankind lack knowledge about *qiyās*, its pillars, when it must be used, and how it must be used, the dozens conditions it has. It is this lack of knowledge that has led mankind astray by their own desires, without any doubt.

The hanafiyyah also agree that it is not allowed to perform any  $qiy\bar{a}s$  for issues of  $hud\bar{u}d$  and  $kaff\bar{a}rat$ . They are asked about the difference between these two issues compared to all other issues in the religion, and the one who twists these two for all other issues in the religion and allows  $qiy\bar{a}s$  in  $hud\bar{u}d$  and  $kaff\bar{a}rat$  only, while prohibiting  $qiy\bar{a}s$  in everything else. The  $sh\bar{a}fi$  iyyah do not allow  $qiy\bar{a}s$  as long as there are texts available 454, while Allāh the Most Exalted says, "We have not neglected anything in the book" [6:38]. As for the  $m\bar{a}likiyyah$ ,  $qiy\bar{a}s$  only originated from the latecomers among them, as it is narrated from Mālik that he prohibited  $qiy\bar{a}s$  and transgressing the texts and that he repented from every single Ra  $\bar{i}$ .

The one who uses  $qiy\bar{a}s$  is not a  $k\bar{a}fir$  or even a sinner  $(f\bar{a}siq)$  if it is done with  $ijtih\bar{a}d$ ; instead, he is rewarded once and excused, while his view, which was by means of  $qiy\bar{a}s$ , is wrong. If anyone were to pray towards other than the qiblah with  $ijtih\bar{a}d$ , not knowing the correct direction, they are rewarded once but mistaken and excused. If anyone prayed towards other than the qiblah on purpose without being forced to, believing it is correct while knowing the direction, they apostate without any difference of opinion. And

<sup>&</sup>lt;sup>452</sup> Sahīh Muslim 262

<sup>453</sup> Sharh Mukhtasar al-Tahāwī 2/417, 7/393

<sup>&</sup>lt;sup>454</sup> Al-Muhadhab by al-Shīrāzī 2/197

if anyone changed the Qur'ān unknowingly, he is excused, mistaken, and excused, whether it be one letter, one word, or a whole Āyah. If he does it on purpose, he apostates without any difference. So none of them can follow those scholars in their *ijtihād*, which is known to be wrong; only what they are correct in is followed, which is then in reality nothing but the words of Allāh and His Messenger. Only those scholars who performed *ijtihād* are excused for a mistake, not the one who knowingly follows a wrong view.

Regarding the existence of every single upcoming issue being covered by the texts and *qiyās* not ever being needed, we will clarify this now by the will of Allāh. All of the religion of Islām is of three types with no fourth to it: obligatory (*wājib* and *fard* both are the same), the one not doing it sins; prohibited (*ḥarām*), the one doing it sins; and permissible (*mubāḥ* and *ḥalāl*, both are the same), the one doing it or leaving it does not sin. And we find that Allāh the Most Exalted says, "He it is Who created for you all that is on earth" [2:29]. And He says, "O you who believe! Do not ask about things which, if made plain to you, may cause you trouble. But if you ask about them while the Qurʿān is being revealed, they will be made plain to you. Allāh has forgiven that, and Allāh is Oft-Forgiving, Most Forbearing. A people asked such questions before you; then they became thereby disbelievers" [5:101-102].

These two *Āyahs* indicate that everything Allāh created is *ḥalāl* for us, not *ḥarām*, as He has created it for us, and that nothing is obligatory on us except what He and his Messenger have obliged us. And Allāh the Almighty has said, "He has clarified to you what is prohibited for you" [6:119]. And Allāh says, "O you who believe! Obey Allāh and obey the Messenger and those of you who are in authority. (And) if you differ in anything refer it to Allāh and His Messenger, if you believe in Allāh and in the Last Day" [4:59]. And the Messenger of Allāh said, "Leave me as long as I leave you. Those before you were ruined due to their excessive questions and their disagreements with their prophets. If I command you anything, then do what you are able to do from it, and if I forbid you anything, then refrain from it."

All of this indicates that everything Allāh has prohibited on the tongue of the Messenger of Allāh is what he has clarified with its exact name. And everything he has prohibited, it is obligatory to leave it, and that everything he orders us must be done according to our ability. As long as there is nothing obligatory or prohibited, then it is allowed to leave or do it, and it is pardoned. Allāh says, "He has explained to you in detail what is forbidden to you, except



under compulsion of necessity? And surely many do lead (mankind) astray by their own desires through lack of knowledge" [6:119].

As for the proofs from the 'aql invalidating qiyās, the 'aql can never comprehend what is prohibited and what is allowed, and also not what is obligatory. Allāh the Most Exalted says, "O you who believe! If you obey and fear Allāh, He will grant you Furqān (a clarification to judge between right and wrong)" [8:29].

And He says, "O you who believe! Fear Allāh, and believe in His Messenger. He will give you a double portion of His Mercy, and He will give you a light by which you shall walk (straight). And He will forgive you" [57:28].

And He says, "They found one of Our slaves, on whom We had bestowed mercy from Us, and whom We had taught knowledge from Us" [18:65].

Allāh says, "So be afraid of Allāh; and Allāh teaches you. And Allāh is the All-Knower of each and everything" [2:282].

A Muslim must fear Allāh from becoming from these astray with his own desires without knowledge. Allāh says, "Truly, your Lord knows best who has gone astray from His Path, and He is the Best Aware of those who are guided" [16:125]. Whoever goes astray with his desires has transgressed in that which he has become misguided without difference, and He has clearly clarified what is prohibited. This covers every ruling in the world till the day of judgment.

Some of them say, "You invalidate  $qiy\bar{a}s$  by using  $qiy\bar{a}s$  and also invalidate the use of 'aql by discrediting  $qiy\bar{a}s$  as evidence."

Some of them say, "From the evidences supporting the idea that when two things share similarity in one aspect, they should have the same ruling can be found in Allāh's challenge to the Arabs. Allāh challenged them to produce something similar to the Qurʿān and clarified that if they could, it would be false. This is because something false can only be similar to falsehood, and something true can only be similar to the truth. So both share the same ruling."

The answer: This argument, while accurate, doesn't indicate their method; in reality, it contradicts it. What is similar to falsehood, in the aspects related to its falseness, is undoubtedly false. This is how we counter *qiyās* with *qiyās*, making it evident that the entire method is false. What resembles falsehood in the aspect of being created, or the aspect being a form of speech, this alone does not make it false. Instead, it may lead to disbelief because disbelief is a form of speech, lying is a form of speech, the Qur'ān is speech, and the truth is also expressed through speech. It becomes clear that these aspects themselves do not necessitate identical rulings in other respects. This exposes the fallacy of their argument.

We don't deny that a word can have multiple meanings or applications. But we say that every word used outside of its designated meaning, where Allāh or His Messenger placed it in the *sharā'i'* or where *ahl ul-lughah* positioned it for understanding, is indeed false and is a distortion of words from their intended places. Such actions are clearly prohibited by *nuṣūṣ*. While every word in its proper place is the truth. So we do not base judgments on a false method of relocating words. Wheat remains wheat, dates remain dates, and anything resembling wheat but not actually being wheat is not wheat. Similarly, anything resembling gold but not actually being gold is not gold, and anything that appears to be *ḥarām* but is not explicitly mentioned as such in the textual evidence and is also not encompassed within a general ruling is not *ḥarām*. This principle applies to every single matter.

They say, "Ahl ul-zāhir reject the possibility of similarity in matters."

The answer: This is a false accusation. We have never denied the possibility of things being similar. Instead, we have affirmed this and explained in great detail how it invalidates their method. Our understanding of similarities between matters is thorough. What we reject is the application of rulings to something solely because it is similar to another ruling in one aspect, by obligating, prohibiting, or permitting it without texts for it from



Allāh, His Messenger . This is what we reject, and it is undeniably a falsehood.

They say, "Ahl ul-zāhir reject using 'aql as evidence."

The answer: This is false. We affirm the use of 'aql as evidence, while they are the ones who reject it. Our 'aql affirms that nothing can be prohibited, obligated, or permitted without textual evidence from Allāh or His Messenger  $\stackrel{\text{\tiny{$a}}}{=}$ . In contrast, they rely on their 'uqūl to prohibit and legislate matters in the sharā'i' without clear textual evidence from Allāh, His Messenger  $\stackrel{\text{\tiny{$a}}}{=}$ , or the consensus of the ummah. This is what contradicts the use of 'aql.

They also say, "Mīzān on the Day of Judgment is evidence for qiyās."

The answer: This claim is baseless. For the  $m\bar{\imath}z\bar{a}n$  on the Day of Judgment, there are a clear and explicit texts that it will occur.  $Qiy\bar{a}s$  has no relevance to the measurement of the actions of the servants, the recompense of the muhsin for their good deeds, the consequences of the  $mus\bar{\imath}$  for their bad deeds, the forgiveness for the one who repents after a major sin, the forgiveness for minor sins through avoidance of major sins, or the fate of those persisting in major sins. None of these matters can be compared to  $qiy\bar{a}s$  because the presence of  $m\bar{\imath}z\bar{a}n$  on the Day of Judgment and the multiplication of good deeds by ten to seven hundred times and the bad deed only being one, this cannot ever be compared to  $qiy\bar{a}s$  even according to them and their method.

They also inquire, "Tell us about your position on *dalīl*. Is it based solely on  $nuṣ\bar{u}ṣ$  or does it involve elements beyond  $nuṣ\bar{u}ṣ$  alone? If you claim it relies solely on  $nuṣ\bar{u}ṣ$ , then demonstrate this to us. And if you claim it goes beyond  $nuṣ\bar{u}ṣ$ , then you contradict your stance against  $qiy\bar{a}s$ ."

The answer: We have previously expounded on this extensively in the chapter dedicated to  $dal\bar{\imath}l$ . Here, we will provide a concise explanation, by the will of Allāh.  $Dal\bar{\imath}l$  encompasses what is inferred directly from a nass itself, even if it extends beyond the explicit words mentioned in the nass. Such as when Allāh said, "Verily, Ibrāhīm was, without doubt, forbearing, used to invoking Allāh with humility, and was repentant" [11:75]. We conclusively know from this that he was not unintelligent, wasteful with wealth, ascertained through certainty and necessity. And also the statement of the Prophet , "Every intoxicant is a khamr and every khamr is  $har\bar{\imath}m$ ." This necessitates the prohibition for anything that intoxicates, all because of using these wordings alone. Our  $dal\bar{\imath}l$  is exclusively rooted in  $nus\bar{\imath}u\bar{s}$  and consensus  $(ijm\bar{a})$ , with no reliance on anything else.



They say, "There are no  $nu \circ \bar{u} \circ regarding$  inheritance for some of the free individuals and some of the slaves,  $hud\bar{u}d$ , diyah,  $nik\bar{a}h$ ,  $tal\bar{a}q$ ,  $jin\bar{a}y\bar{a}t$ ."

The answer: The individual making this claim should seek understanding before speaking, as  $nus\bar{u}s$  exist for inheritance in general, encompassing all sons, daughters, fathers, mothers, brothers, sisters, close relatives, and spouses. So, none of these categories falls outside the scope of  $nus\bar{u}s$ ; they all remain encompassed by its generality. It is narrated from Ibn 'Abbās and 'Alī that the Prophet stated, "When a  $muk\bar{u}tab$  slave who has made an agreement to purchase his freedom gets blood-money or an inheritance, he can inherit in accordance with the extent to which he has been emancipated."

So it is established that, specifically from  $nus\bar{u}s$ , the slave is included in the inheritance provisions, even the  $muk\bar{a}tab$  slave. Some scholars have argued that for the  $muk\bar{a}tab$  slave, inheritance is determined according to the extent of their freedom, while others have stated that they have no inheritance at all. The latter view contradicts the  $nus\bar{u}s$  and lacks any evidence. The correct view, in line with  $nus\bar{u}s$  and reason, is that they have inheritance proportionate to the degree of their freedom. The same applies to  $hud\bar{u}d$  and diyah. It is incorrect to claim that the  $hud\bar{u}d$  of slaves are the same due to the narration of Ibn 'Abbās concerning the  $muk\bar{a}tab$ . This specific narration indeed indicates the distinction between a slave and a free person.

Regarding  $nik\bar{a}h$ ,  $nu\bar{s}u\bar{s}$  clearly state that any slave who marries without the permission of their master commits  $zin\bar{a}$ . The slave that is partially emancipated is not a complete slave and also not completely free. A partially emancipated slave does not transition to a different ruling but remains subject to the same rules. Slaves can only marry with the permission of their owners. As for  $tal\bar{a}q$ , it follows the general  $nu\bar{s}u\bar{s}$  related to divorce, similar to free individuals. In the case of  $jin\bar{a}y\bar{a}h$  and  $shah\bar{a}dah$  (witness testimony), there is no distinction from free individuals made by Allāh and His Messenger, as no  $nu\bar{s}u\bar{s}$  prevent such occurrences for any slave, and there is no  $ijm\bar{a}$  on this matter.

They also split  $qiy\bar{a}s$  into various types. One type is  $qiy\bar{a}s$  al- $mafh\bar{u}m$ , which is similar to the  $qiy\bar{a}s$  where a slave must be freed as a penalty for killing, because of the precedent of a slave being due for  $zih\bar{a}r$ . Another type is  $qiy\bar{a}s$  al-'illah, which is identifying a shared 'illah (rationale), like the 'illah

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<sup>&</sup>lt;sup>455</sup> Sunan Al-Kubrā 5002, 5/51



common to both *nabīdh* and *khamr*, which is intoxication. There is *qiyās al-shabah*, and it's within this category that differences among their scholars arise.

Some argue that the basis for this type of *qiyās* should be the amount of attributes found in the *'illah*. For instance, if an issue has five attributes indicating permissibility while only four attributes indicate prohibition in that issue, they contend that the five attributes outweigh the four, resulting in a ruling of permissibility. Others, however, claiming that it should be based on resemblances in shapes, such as likening a slave and free non-slaves to animals because both can be owned.

They argue that if two matters share similarity in three aspects, they should receive the same ruling. *Qiyās al-shabah* also further divides into other types, including *qiyās ul-shabah al-ḥukmi* (*qiyās* based on the similarity of rulings). In this form of analogy, the *far'* is linked to the *aṣl* because of their shared similarity in rulings. For instance, consider *wuḍū'*, which falls under the category of *ṭahārah*. They argue that it requires *niyyah* just like *tayammum*, drawing an analogy between *wuḍū'* and *tayammum* since both pertain to *ṭahārah*. Additionally, there is *qiyās al-shabah al-ṣūri* (*qiyās* based on the similarity of forms), where the *far'* is linked to the *aṣl* because of their resemblance in form. For example, the second sitting during prayer is connected to the first sitting not because they share a similar ruling, but due to their similar form.

Qiyās al-shabah is mostly used by shāfi 'iyyah. Most companions of Abū Ḥanīfah all opposed qiyās al-shabah and others such as Abū Manṣūr Al-Baghdādī, Abū Bakr Al-Bāqillānī and Al-Qāḍī Abū Zayd, Abū Isḥāq al-Marwazī, al-Ṣayrafī, they all reject it. Abū Isḥāq al-Shīrāzī rejects qiyās al-shabah as there are no 'ilal involved and there is no 'illah that necessitates a ruling with qiyās al-dālalah. 456

The other types do involve 'ilal such as ittirād which is applying a ruling whenever an 'illah is present in any other issue and qiyās al-'illah.

We categorically declare these methods as false and also their claims riddled with contradictions, lacking any substantiated evidence. Their claim that a slave must be freed for causing death due to a slave being owed in *zihār* is labeled as '*mafhūm*,' (understood) but there is nothing '*mafhūm*' in this matter. Such a ruling applies only to a believing (*mu'min*) slave, and given

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<sup>456</sup> Al-Lum'ah Fī Uṣūl Al-Fiqh pg. 101

that they use  $qiy\bar{a}s$  in this case, they must also accept the application of compensation – either fasting or feeding for sixty days – for the act of causing death, just as it is prescribed for  $zih\bar{a}r$ . This inconsistency is glaring and very evident.

Regarding their claim about  $qiy\bar{a}s$  al-'illah and the prohibition of  $nab\bar{\imath}dh$  based on  $qiy\bar{a}s$  with the prohibition of khamr is nothing but falsehood, the Prophet explicitly stated in general, "Every intoxicant is a khamr, and every khamr is prohibited." The Prophet ruled all intoxicants equally, without singling out grapes, dates, figs, honey, or any other substance. If a substance induces intoxication, it is subject to the same ruling, and he declared with certainty that all intoxicants are khamr and, therefore, prohibited. The differentiation between grape khamr and others is against clear texts; rather, they are all treated equally based from  $nus\bar{\imath}us$ . If you have understood all that preceded before, then this matter is very clear.

If they say, "Why do you not declare *takfīr* upon someone who deems *nabīdh* of figs, which is intoxicating, permissible, just as you do declare *takfīr* upon someone who deems intoxicating grape juice permissible?"

The answer: We only declare  $takf\bar{\imath}r$  upon someone who deems intoxicating grape juice permissible when the evidence is established against them, while they understand it. If an ignorant person does so without knowledge of the  $ijm\bar{a}$  on its prohibition, we do not declare  $takf\bar{\imath}r$  on them until they understand the  $nus\bar{\imath}us$  or  $ijm\bar{a}$ . Similarly, we do not declare  $takf\bar{\imath}r$  on someone who deems intoxicating  $nab\bar{\imath}dh$  of figs permissible due to their ignorance of the evidence against it. However, if someone, knows the  $nus\bar{\imath}us$  regarding it and understands it, but opposes those  $nus\bar{\imath}us$  of the Prophet regarding the prohibition of all intoxicants by permitting it, then they unquestionably apostate.

In response to their view that they measure the amount of attributes of what is permissible and what is prohibited and apply the ruling that outweighs the other, we counter: Let us consider a scenario where the attributes of permissibility and prohibition are equal; what becomes the ruling then? And what is the evidence from  $nus\bar{u}s$  for this method? If they claim they would prohibit it as a precaution ( $ihtiy\bar{a}t$ ), we argue that just as they can prohibit it by  $ihtiy\bar{a}t$ , they can also allow it for the reason to ease. There is no difference between both claims. It can be permitted for the sake of ease, Allāh says, "Allāh intends for you ease, and He does not want to make things difficult for you" [2:185]. So if they then say: We will then allow it. We ask them again:



Why do you not prohibit it? Allāh says, "Perhaps you dislike something which is good for you" [2:216]. So, their argument collapses, as neither side holds more weight in terms of evidence, and both are equally deserving of consideration. And Allāh says, "And do not say lies concerning that which your tongues describe, 'This is lawful and this is unlawful, in order to fabricate lies and attribute them to Allāh; indeed, those who fabricate lies and attribute them to Allāh do not succeed'" [16:116].

Also, if the attribute being similar to prohibition were to necessitate prohibition, and the attribute being similar to permissibility were to necessitate permission, and if one were to measure which has more attributes of prohibition or permissibility, there would be a continuous situation where what is <code>halāl</code> becomes <code>harām</code> and what is <code>harām</code> becomes <code>halāl</code> simultaneously. This is an impossibility. So, it is clear that similarity alone does not inherently determine whether something is <code>halāl</code> or <code>harām</code>, regardless of the number of attributes involved.

Some of them have said regarding the verse, "They ask you (O Prophet) concerning *khamr* and gambling. Say, 'In them is a great sin, and (some) benefit for men, but the sin of them is greater than their benefit" [2:219].

They say, "Allāh in the verse weighed the sin more heavily than the benefit and used that to prohibit it."

The answer: This is a lie attributed to Allāh. It would imply a contradiction between two asls regarding khamr and gambling. First is benefit and second sin. This contradiction is acknowledged even by those who put forth this understanding. Who decided the order of sin and benefit regarding khamr and gambling? There was a time when these practices were allowed without any associated sin. The most honorable sāhābah, including 'Abd Al-Rahmān Ibn 'Awf, Sa'īd Ibn Abī Waggās, Hamzah, Abū 'Ubaidah Ibn Al-Jarrāḥ, Suhail Ibn Bayḍā', Ubay Ibn Ka'b, Abū Dujānah, Abū Ṭalḥā, Abū Ayyūb, Mu'ādh Ibn Jabal, 'Abdullah Ibn 'Amr Ibn Ḥarām, and many others, consumed *khamr* all together for over ten years. This practice continued even after the hijrah, with some individuals partaking on the day of uhud, during which some became martyrs. Did something or someone other than Allāh introduce sin into these substances after all these years? Their claim that, "Allāh prohibited it because of the sin and intoxication in it," is completely false. For over a decade, these substances were not associated with sin, and khamr has always been intoxicating since its creation by Allāh. So their argument that prohibition resulted from the increasing weight of sin is

fundamentally false and is one of the gravest falsehoods that can be attributed to Allāh

As for their claim that humans and slaves are similar to animals due to the fact that they can be owned, we emphatically reject this claim, and merely mentioning it exposes the fallacy of their approach.

If they nullify the application of rulings to things that do not yet exist based on their similarity to existing matters according to one aspect between them, as opposed to what is derived from  $nu\bar{s}\bar{u}\bar{s}$ , then they are, instead, using our method of invalidating rulings based on analogy (al-tash $\bar{a}buh$ ). This involves applying rulings that are not derived from  $nu\bar{s}\bar{u}\bar{s}$ .

They say, "The belief that *qiyās* is false is shared by certain groups, including Ibrāhīm Al-Nazzām, Muḥammad Ibn 'Abdullah Al-Iskafi, Ja far Ibn Ḥarb, Ja far Ibn Mubashir, 'Īsā al-Murād, Abū 'Afar, the *rāfiḍah*, and some of the *khawārij*. Some among them even argue that it is permissible to marry the sons' daughters and grandmothers, and that the consumption of swine brains is allowed."

We do not deny that Jews say 'Lā ilāha illa Allāh,' and we say it too. But as they mention these people, then do not forget that among those who share their view on *qiyās* are Abū al-Hudhayl al-'Allāf, Abū Bakr ibn Kaysān al-Aṣamm, Jahm ibn Ṣafwān, Bishr ibn al-Mu'tamir, Mu'ammar, Bishr al-Marīsī, the Azāriqa, Aḥmad ibn Ḥābit, and others. Some of them make *qiyās* of children to adults, and that their souls are reincarnated into children. And by *qiyās* with the people of Nūḥ they permitted killing children. And they make *qiyās* of the end of Paradise and Hell to the end of this world and held other repugnant beliefs.

Those who advocate for *qiyās* are posed with the following question: Has Allāh not sent Muḥammad as a Messenger to all of humanity, including the *jinn*? And was not the first call he made to people to believe in the declaration, 'Lā ilāha illa Allāh,' and to reject all forms of worship other than Allāh, including idols and other deities? Didn't he explicitly convey that he is merely a Messenger of Allāh and that there is no other *sharī'ah* in this religion except what he conveys? And hasn't it been made clear that there is no imposition of any ruling in the world—be it an obligation, prohibition, or permission—except what he brings? The unanimous response of both Muslims and non-Muslims is undoubtedly in the affirmative. There is no doubt or dispute regarding this fundamental premise. Since there is a complete consensus on this matter, and no room for doubt or disagreement, there is no

need for  $qiy\bar{a}s$  and false Ra  $\bar{i}$ . Islām, in its essence, did not contain any prohibitions or obligations until Allāh revealed the  $shar\bar{a}$   $\bar{i}$   $\bar{i}$ . Whatever Allāh commands becomes obligatory, whatever He forbids becomes prohibited, and whatever He has not explicitly commanded or forbidden is permissible. This is an inherent and well-known truth, recognized by the innate disposition (fitrah) and rational faculties of every individual. So there is never a necessity for  $qiy\bar{a}s$  and false Ra  $\bar{i}$ . Whoever imposes or forbids anything without  $nus\bar{u}s$  is introducing a law that Allāh has not permitted and is making claims that should never be made. This is supported by undeniable and clear evidence.

Furthermore, we pose the question: What is the basis for  $qiy\bar{a}s$ , is it derived from  $nus\bar{u}s$  or from other than  $nus\bar{u}s$ ? If they claim it is derived from  $nus\bar{u}s$ , they are in opposition to  $ijm\bar{a}$  and are perilously close to disbelief. No one has ever claimed such a thing before, and it is a statement that no one can reasonably make, as  $qiy\bar{a}s$  always involves an asl being linked to a far. There can be no asl except that it is based on nass, and according to their method, the far always is about a matter not explicitly covered by the asl.

If they say, "It is derived from something other than *nuṣūṣ*." We say: Allāh says, "There is not a moving (living) creature on earth, nor a bird that flies with its two wings, but are communities like you. We have neglected nothing in the Book, then unto their Lord they (all) will be gathered" [6:38]. And He says, "I have completed your religion for you, completed My Favour upon you" [5:3].

And He says, "And We sent not before you except men to whom We revealed [Our message]. So ask *ahl al-dhikr* (People of the Qurʿān and the *sunan*) if you do not know. [We sent them] with clear proofs and written ordinances. And We revealed to you *dhikr* (Qurʿān and *sunan*) that you may make clear to the people what was sent down to them and that they might give thought" [16:44-45].

And He says, "And he does not speak out of desire it is only a revelation revealed [to him]" [53:3-4].

And He says, "Say, 'If I go astray, I go astray only to my own loss; but if I am guided, it is by what my Lord reveals to me; He is indeed All-Hearer, Ever Near (to all things)" [34:50].

And He says, "Say, 'Who has forbidden the adornment of All which He has produced for His servants and the good [lawful] things of provision. Say: 'They are, in the life of this world, for those who believe, (and) exclusively for them (believers) on the Day of Resurrection (the disbelievers will not

share them). Thus We explain the verses in detail for people who have knowledge'" [7:32].

And He says, "And they say, 'The Most Gracious (Allāh) has begotten a son (or children). Glory to Him! They [whom they call children], are but honored slaves. They do not speak until He has spoken, 'only' acting at His command'" [21:26-27].

The Prophet said, "O Allāh! have I not conveyed it? O Allāh be witness [to it that I have conveyed]." 457

'Abdullah Ibn Mas'ūd said, "Indeed, whoever seeks knowledge must turn to the Qur'ān, for within it lies knowledge encompassing the beginning and the end of 'ilm." 458

This exact sentiment has also been said by Masrūq and Al-Zuhrī, establishing that everything in the religion is explicitly  $mans\bar{u}s$  and requires no reliance on  $qiy\bar{a}s$ .

They say, " $Qiy\bar{a}s$  is only applied to issues that emerge in contemporary times, these are issues that occur are  $fur\bar{u}$ ' which we return to the  $u\bar{s}u\bar{l}$  ( $nu\bar{s}u\bar{s}$ ).

The answer: this claim is false because within the religion, everything falls only under the categories of obligations, prohibitions, or permissibility. There is no room for a fourth category, and it is impossible to definitively distinguish between the asl and the far in these matters. So their argument is fundamentally false. It is an established fact that all  $ahk\bar{a}m$  are  $us\bar{u}l$ , as they are all from  $nus\bar{u}s$ . The only  $ikhtil\bar{a}f$  that can exist is regarding  $us\bar{u}l$  matters, anything that is obligatory, prohibited, or permissible in areas like  $wud\bar{u}$ ,  $sal\bar{a}h$ , s

If they say, "We do not dispute that Allāh and His Messenger have not left out any essential knowledge. We acknowledge that the Prophet thoroughly clarified everything. However, we distinguish between two types of  $nus\bar{u}s$ : the first is  $nus\bar{u}s$  with explicit wording specifying the ruling, and the second is  $nus\bar{u}s$  that implies the ruling through  $dal\bar{a}lah$ . We refer to this latter type as  $qiy\bar{a}s$ , which involves contemplating the 'illah (cause) of the ruling. Whenever this 'illah is found, we apply the corresponding ruling. This approach aligns with  $jaw\bar{a}mi$ ' al-kalim (concise and comprehensive words) given to the Prophet ."

<sup>457</sup> Sahīh Muslim 2887

<sup>&</sup>lt;sup>458</sup> Al-Muşannaf by Ibn Abī Shaybah 38585, 20/146



The answer: These claims lack substantiated evidence.  $Dal\bar{a}lah$  is either conveyed through the Arabic language, with precise meanings provided in the Qur'ān and sunnah, or it is non-existent. Attempting to categorize  $dal\bar{a}lah$  into two types is false, as is proposing that  $dal\bar{a}lah$  has no basis in the language used in the Prophet's address. Since it is from this type it is false. No one is allowed to attribute this to Allāh and also not to his Messenger. And we already clarified before the correct understanding of  $dal\bar{\imath}l$  in the chapter about  $dal\bar{\imath}l$ . Every single other thing referred to as  $dal\bar{\imath}l$  is falsehood.

Moreover, there is no bayān and no tanbīh in the argument of them trying to teach the rules of mahr, while the exact amount of mahr is not explicitly mentioned from nuṣūṣ ever authentically. Such as them teaching that the minimum amount of it becomes the amount where the thief's hand is cut off. And them teaching us that the term "eating" means intercourse, as they say, "Since kaffārah is obliging on intercourse on purpose during day times of ramaḍān, kaffārah then becomes also obliging because of that on who eats on purpose during the day times of ramaḍān. Or that "nuts" means "salt," or that "accidents" means what is done on purpose. This approach places an unbearable burden on individuals, assumes they possess knowledge of the unseen, and imposes rulings based on false assumptions.

As for words which are concise but comprehensive in meaning, the correct understanding is that it is a single word can encompass various meanings with only a few words used for description. We provided examples for this before, to clarify it further it is also when Allāh said, "So whoever has assaulted you, then assault him in the same way that he has assaulted you" [2:194]. In these words, one can deduce numerous implications. Such as cutting the body part for a body part, breaking a body part for a body part, wounds for a wound, hitting for a hit, taking property and many other meanings that can be concluded from the meaning of the verse. And also the Prophet said, "No retaliation is payable for a wound caused by a dumb animal."

And the examples for this are many from the Prophet , and the rulings from this are many, which are all directly from Allāh and His Messenger. As for the one who omits the intended meanings and does not convey them as they should be, according to the Arabic language through which we are addressed, but instead seeks to use it as evidence to avoid what is clearly

<sup>459</sup> Sunan Al-Tirmidhī 1377 3/54



conveyed through the Arabic language, then this is akin to the actions of satan, who desires harm for the religion.

If they say, "We do not disagree on the obligation of returning any issue to Allāh and His Messenger, we instead affirm it and  $qiy\bar{a}s$  is a source of returning the matters to Allāh and His Messenger. So every single verse Allāh ordered us to return to him and His Messenger for the issues, does not contradict  $qiy\bar{a}s$  and instead is an order for us to use  $qiy\bar{a}s$ , because we return the far, which is any issue, to the asl, which is Qur'ān and sunnah."

The answer: We ask them, "Is that ruling which you created using *qiyās* for that issue that the ruling of Allāh and His Messenger or is it your created ruling?" If they say, "It is the ruling of Allāh and His Messenger," they have become stubborn and are ordered to show where Allāh or His Messenger ruled that issue with that ruling. And they have in reality invalidated *qiyās* and have gone against it. Because the ruling of the *far*' is without any difference between them not that which Allāh and His Messenger ruled. As everything Allāh and His Messenger ruled is always only the *aṣl* and never the *far*'. If they claim it is the ruling of Allāh and the Messenger they have returned an *aṣl* to another *aṣl*. And if they admit, "It is not the ruling of Allāh and His Messenger! There is no difference between them and any made up false method, which you concur on its falsehood claiming they have 'returned' the matter to Allāh and His Messenger.

If they say, "We do not claim that if a new issue arises in our current time, that nothing encompasses it in the Qur'ān and sunnah. What we do say is that some new issues can be deduced from the  $nus\bar{u}s$ , while others require  $dal\bar{u}l$  as we mentioned before."

The answer: This is accurate, but only if the  $dal\bar{\imath}l$  they mention aligns with our beliefs in the way we clarified before, not theirs. However, when that  $dal\bar{\imath}l$  involves multiple possibilities, it falls into two categories. Either there are other  $nu\bar{\imath}u\bar{\imath}s$  that clarify what Allāh intends with those various possibilities or there is  $ijm\bar{a}$ , which is also our view. And if there are no  $nu\bar{\imath}u\bar{\imath}s$  or  $ijm\bar{a}$  then clarifying what is meant is false. No one is permitted to attribute such a thing to Allāh or His Messenger  $\tilde{*}$ .

If they say, "Finding similarities between *dalīls* is one manner using *dalīl* to find the intended meaning by Allāh."

We say: This is a false claim which is in need of evidences to support it, they will not cease to fail presenting it as it does not exist. There is no



difference in this and if someone claims that a saying of a fallible human from the scholars is itself evidence to know the intended meanings of Allāh. They themselves disagree regarding the extent of similarity required for a ruling. Some of them attribute a characteristic as the *'illah* for a ruling, while others disagree and propose a different *'illah*. All of this is based on methods with no evidence to support it."

Some of them make an 'illah valid if it has ittirād (consistency) with its information's. Which is completely false because tard (consistency) is only valid after the validity of an 'illah. As tard (consistency) is only about a far' that becomes necessary as a ruling after the validity of an 'illah, otherwise it is false. It is impossible for an asl to be dependent on the validity of the  $fur\bar{u}$ '.

And also since they differ in *tard* of '*ilal*, then someone that does *tard* to affirm a ruling is not any different from someone that does no *tard* to invalidate a ruling, these are all methods not allowed in the religion. Such as the *tard* of Al-Shāfi 'ī about the '*illah* of *ribā* being food, while Mālik and Abū Ḥanīfah opposed it and Abū Ḥanīfah claimed it to be measurement and weight. Mālik and Al-Shāfi 'ī opposed that, Mālik claimed it saving property, while Abū Ḥanīfah and Al-Shāfi 'ī opposed that.

If they say, "Show us all the new issues that arise being explicitly mentioned by  $nu s \bar{u} s$ ."

We say: If we cannot provide such  $nus\bar{u}s$ , our inability to do so does not serve as evidence against Allāh or His Messenger. It suffices to understand that Allāh has clarified every matter related to the religious rulings until the Day of Judgment. The Prophet said already addressed how issues arising issues must be dealt with he said, "Leave me as I leave you, for the people who were before you were ruined because of their questions and their differences over their prophets. So, if I forbid you to do something, then keep away from it. And if I order you to do something, then do of it as much as you can."

So, it is known that as long as Allāh and His Messenger have not addressed an issue, it is neither obligatory nor prohibited. It remains permissible by necessity. Whoever claims that something is prohibited must provide evidence from Allāh or His Messenger. If they do, we will hear and obey; otherwise, it is a false claim. Similarly, whoever claims something is obligatory must provide an order from Allāh or His Messenger. If they do,

<sup>460</sup> Sahīh Al-Bukhārī 7288

we will hear and obey; otherwise, it is false. It is then established through this clear nass that every order of the Prophet is an obligation upon us, except when we are unable to fulfill it entirely, in which case we are still obligated to perform as much as we can. Likewise, everything he prohibits is haram, except if the Prophet is specifically clarifies that it is makram or recommended. So, there is nothing within the religion except that it is always clarified by  $nusmsi{us}$ .

We then also reverse this question to them and say to them: You claim that there is a similarity in Qur'ān and sunnah for every newly occurring issue. Now, we challenge you with the very same question about these contemporary issues you mentioned, such as a  $d\bar{t}n\bar{d}r$  falling into an inkwell. Show us the similarities to such cases in Qur'ān and sunnah, especially when you admit that there are no  $nus\bar{u}s$  addressing them. How will you establish rulings for these situations? Will you rely on your own opinions? Doing so would create a religion of fallible human making, not the religion of Allāh. This approach exposes the inconsistency in their arguments, revealing the falsehood therein.

We also say to them: You and all Muslims agree that all religious rulings can be derived from explicit texts  $(nus\bar{u}s)$ . There is no disagreement on this point, whether one follows  $qiy\bar{a}s$  or not. It is universally accepted that  $qiy\bar{a}s$  cannot be applied in the absence of  $nus\bar{u}s$  to base it upon. We respond by saying: If  $qiy\bar{a}s$  is, according to your perspective, a valid method, then you must use it for all matters, including those on which we differ and those on which you permit  $qiy\bar{a}s$  but we prohibit it. If you refrain from using  $qiy\bar{a}s$  in these cases, you would be abandoning your own method. We don't say that this is correct; it is only valid within your false methodology. There is nothing more false than a method that invalidates itself.

We also present this question to them: There are numerous issues on which you and the entire *ummah* agree to abstain from using *qiyās*. For example, when a killer repents from their sin, the requirement of *qiṣāṣ* (retaliation) is not omitted for them by anyone, and *qiyās* is not applied because of the similarity between a killer who repents and one who does not, both being deserving of the *ḥadd* (prescribed punishment). Similarly, everyone agrees that *qiyās* cannot be used to equate *ghasb* (forceful stealing) with *sariqah* (stealthy stealing), even though both involve the act of stealing property intentionally. Likewise, there is a consensus against applying *qiyās* to the compensation for feeding as a result of accidental killing and the compensation of fasting for *zihār*. Many such examples exist.

If  $qiy\bar{a}s$  were a valid method, it would be impermissible and impossible to abandon it according to  $ijm\bar{a}$ , just as it is impossible to abandon the truth found in the Qur'ān and the words of the Prophet  $\cong$  that are authentic. The truth is never abandoned except through the specification of other  $nus\bar{u}s$  or the presence of an abrogating text. This necessity invalidates  $qiy\bar{a}s$  entirely.

We also ask them to clarify whether, according to their perspective, ruling based on similarity between two cases without explicit textual evidence is equivalent to ruling based on  $nus\bar{u}s$  or  $ijm\bar{a}$ . Is it due to an 'illah connecting the two rulings, making the new ruling an 'alāmah (sign) of the previous ruling? Or is it based on some aspect of similarity between the two cases? Or is it merely a case of  $mut\bar{a}rafah$  without any specific reason for doing so? There is no fourth option.

If they claim that *muṭārafah* is the basis, without an *'illah* or similarity, this claim is false, unsupported by any evidence, and universally rejected.

If they claim that it is due to similarity in some aspect between the cases, we ask them to provide evidence that such similarity necessitates and obliges the establishment of a ruling. However, there is no evidence to support their claim, and we have already thoroughly explained why this claim is entirely false.

If they claim that it is due to an 'illah connecting the two rulings, we ask them to prove that the 'illah they are using is indeed the 'illah for the ruling. Various schools of thought often propose different 'ilal for the same rulings, and these 'ilal can contradict each other without any clear evidence to support them. And the same question applies, there is no evidence that similarity in 'illah implies similarity in ruling.

If they argue that the 'illah is derived from  $nus\bar{u}s$ , we accept this but we say that the 'illah must correspond to the specific rulings mentioned in those  $nus\bar{u}s$ . It cannot be arbitrarily applied to other rulings.

If they claim that the 'illah is not derived from  $nus\bar{u}s$ , we reject this as false. Such an approach contradicts the Qur' $\bar{a}n$ ,  $ijm\bar{a}$ ', and rationality.

If they claim that the consensus of their group is the basis for the *'illah*, we respond that  $ijm\bar{a}$ ' necessitates consensus without any differences. We accept  $ijm\bar{a}$ ' when it is established beyond doubt, and  $ijm\bar{a}$ ' is nothing other than texts.

If they claim that the 'illah is their own understanding, we reject this as non-binding and insufficient as evidence. They must provide substantial evidence to support their claims if they are truthful.

There has also been  $nus\bar{u}s$  from Qurʿān about the falsehood of  $qiy\bar{a}s$ . We will mention all of them later, by the will of Allāh. We will now only mention what is sufficient, by the will of Allāh, Allāh says, "O you who believe! Make not a decision in advance before Allāh and His Messenger , and fear Allāh. Verily! Allāh is All-Hearing, All-Knowing. O you who believe! Do not raise your voices above the voice of the Prophet nor speak aloud to him in talk as you speak aloud to one another, lest your deeds become worthless while you perceive not" [49:1-2].

And Allāh says, "Allāh says, "And do not follow a thing about which you have no knowledge. Surely, the ear, the eye and the heart, each one of them shall be interrogated about" [17:36].

And Allāh says, "There is not a moving (living) creature on earth, nor a bird that flies with its two wings, but are communities like you. We have neglected nothing in the Book, then unto their Lord they (all) will be gathered" [6:38].

And Allāh says, "We (angels) do not descend but with the command of your Lord. To Him belongs what is in front of us and what is behind us and what is in between; and your Lord is never forgetful" [19:64].

The  $nus\bar{u}s$  invalidate  $qiy\bar{a}s$  and forbid any religious pronouncement without  $nus\bar{u}s$ , as  $qiy\bar{a}s$  involves making judgments about matters beyond our knowledge and goes against the preordained decisions of Allāh and His Messenger  $\cong$ .

If *ahl ul-qiyās* say, "Perhaps your rejection of *qiyās* is based on ignorance, following something without knowledge, and a predetermined decision made before Allāh and His Messenger ##."

We will demonstrate, by the will of Allāh, that the rejection of  $qiy\bar{a}s$  is in alignment with the  $nus\bar{u}s$  we have mentioned. Allāh says, "And Allāh has brought you out from the wombs of your mothers not knowing a thing" [16:78].

This verse affirms with certainty that humans come into this world devoid of any knowledge.

And Allāh also says, "And Allāh teaches you. And Allāh is Knowing of all things" [2:282].

And Allāh says, "As also We have sent in your midst a messenger from among you, who recites to you Our verses, and purifies you, and teaches you the Book (Qur'ān) and the wisdom (*sunan*), and teaches you what you did not know" [2:151].



So it is indisputable that Allāh sent Muḥammad as His Messenger \* to teach us what we did not know previously. So, what he teaches us regarding matters of the religion is the absolute truth, and what he does not teach is false and impermissible to affirm as part of the religion.

Allāh also condemns Iblīs, the accursed one, saying, "He only orders you to evil and immorality and to say about Allāh what you do not know" [2:169].

And Allāh says, "Say: 'My Lord has only forbidden immoralities - what is apparent of them and what is concealed - and sin, and oppression without right, and that you associate with Allāh that for which He has not sent down authority, and that you say about Allāh that which you do not know" [7:33].

These verses make it abundantly clear, through the texts of the Qur'ān, that we were born into this world without knowledge, and Allāh forbids us from making statements about Him without knowledge. Allāh warns that Iblīs encourages people to say about Allāh what they do not know.

So it is established from these verses that speaking without knowledge, whether it involves  $qiy\bar{a}s$  or any other belief propagated by misguided groups like the  $raw\bar{a}fid$  and others, is equivalent to speaking about Allāh without knowledge and is  $har\bar{a}m$ . Such actions amount to obeying the orders of Iblīs. True knowledge and truth can only come from Allāh and His Messenger . So we can only speak about Allāh in accordance with what Allāh and His Messenger have taught us. Since Allāh and His Messenger have not ordained  $qiy\bar{a}s$ , have not taught us how to use it, when to use it, its limits, its pillars and forty conditions, it is without a doubt  $har\bar{a}m$  and is an act of following satan's orders. We have also previously clarified that everything they use as evidence for  $qiy\bar{a}s$  is invalid.

And even if, hypothetically, there were no certain evidence to prove the falsehood of *qiyās* (which is not the case), it would still remain sufficient that there is no certain evidence to establish the existence of *qiyās*. This alone is certain evidence for the invalidity and falsehood of *qiyās*. This is because it is incumbent upon us not to obligate anything within the religion without certain evidence. So it is also obligatory upon us to invalidate any false claim made regarding the religion until certain evidence is presented to validate its legitimacy. This is the certain proof for which no alternative exists.

Among the greatest evidences against *qiyās* is that Allāh said, 'And do not say regarding those who are killed in the Way of Allāh, 'They are dead,' Nay, they are living but you perceive not.' [2:154]. Allāh described those

killed in the Way of Allah as alive with their Lord and that they have provision. Allāh prohibited calling them dead, and negated knowledge of those that inflict any of them to the dead in the aspect of absence of senses and breath. This is from the greatest evidences on the falsehood of *qivās*. Because those who believed the *mujāhidīn* were killed in the Way of Allāh only believed it based on their  $qiv\bar{a}s$  of this to the one that is not killed in the Way of Allāh, due to an 'illah that encompasses these two, based from the aspect that they saw both of them slain, not breathing, without sense and that they both do not refraining from what is will be done to them. Organs, tearing skins, eating carnivores and carnivores, and the transformation of their bodies into worms and wear and tear, so they did *qiyās* and were mistaken. And there is no qiyās that is more clear than this and no qiyās more accurate in 'illah than this, and while that was the case Allah declared it false, and made a clear difference between the one killed in the Way of Allah and the one not killed in the Way of Allāh. 'And do not say regarding those who are killed in the Way of Allah, 'They are dead,' Nay, they are living but you perceive not. [2:154]. He said to them, "That judgment that you have judged me is not knowledge," and if it is not knowledge, it is not true, and if it is not correct, it is not permissible to judge it with our knowledge of the words of Allah that it is not true. But you do not perceive, then he denied them the knowledge that gave them the qiyās. It is false, as from the words of Allāh, so what do you think (then how about) about the *qiyās* of the jurists regarding arising issues and the *qiyās* of the *shāhid* to the *ghā'ib* regarding (that which is only) the knowledge of Allāh, they are far away (from the truth), Allāh has said the truth and ahl ul-qiyās have lied. They have lied against Allāh, and Allāh says, "There is nothing like him"  $[42:11]^{461}$ .

It is narrated by the authority Ibn 'Umar, "[My father] 'Umar saw 'Uṭārid Al-Tamīmī standing in the market (and selling) the silk garments, and he was the person who went to (courts of) kings and got (high prices) for these garments from them. 'Umar said, "O Messenger of Allāh, I saw 'Uṭārid standing in the market with a silk garment; could you buy it and wear it for (receiving) the delegations of Arabs when they visit you? You may wear it on Friday also.' Thereupon, the Prophet said, 'He who wears silk in this world has no share in the Hereafter.' Later on when these silk garments were presented to the Prophet he presented one silk garment to 'Umar and

<sup>461</sup> Futuḥāt Al-Makkiyyah 3/219-220

presented one also to Usama Ibn Zayd and gave one to 'Alī Ibn Abū Ṭālib. the Prophet then said, 'Tear them and make head coverings for your ladies.' 'Umar came carrying his garment and said, 'O Messenger of Allāh, you have sent it to me, whereas you had said yesterday about the (silk) garment of 'Uṭārid what you had to say.' The Prophet said, 'I have not sent it to so that you can wear it, I only sent It to you so that you may derive benefit out of it.' Usāmah wore the garment (presented to him) and appeared to be brisk, the Prophet looked at him with a look by which he perceived that the Messenger of Allāh rejects what he had done. Usama said, 'O Messenger of Allāh, why is it that you look at me like this, whereas you yourself gave it to me?' He said, 'I never sent it to you to wear it, I only sent It to you so that you may tear it and make out head covering for your wives.""

The Prophet firmly rejected 'Umar's attempts to draw parallels between sole ownership, selling, benefiting, and wearing items that were initially prohibited. Similarly, the Prophet dismissed Usāmah's efforts to liken ownership to wearing. Both 'Umar and Usāmah resorted to qiyās, but the Prophet clearly invalidated these analogies. In these narrations, there are two possible methods: one suggests that the Prophet initially prohibited the wearing of silk, but later permitted if it becomes a gift, a claim that is kufr to hold. Or it can be understood that the Prophet clarified that the prohibition of silk was specifically related to men wearing it, and anything not explicitly mentioned as prohibited retained its default status of permissibility. 'Umar and Usāmah made an error by applying qiyās, but they corrected themselves by abandoning it and following the guidance of the Prophet."

Another *burhān* on the falsehood of *qiyās* is the saying of Allāh, "O you who have believed, do not say [to Allāh's Messenger]' *Rāʿinā'* but say, '*Unzurnā*' and listen. And for the disbelievers is a painful punishment" [2:104]

Since as they were prohibited from saying ' $R\bar{a}$ 'in $\bar{a}$ ,' and ordered to say ' $Unzurn\bar{a}$ ,' both meanings of the words are the same in meaning, so it is established without doubt that it is not allowed to transgress the apparent orders, this is a very strong hujjah on the invalidation of  $qiy\bar{a}s$  with 'ilal.

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<sup>&</sup>lt;sup>462</sup> Şaḥīḥ Muslim 2068, 3/1639

Another *burhān* is what Ibn 'Umar narrated, "The Messenger of Allāh said when 'Umar interrupted him when the Prophet prayed for 'Abdullāh ibn Ubayy (the *kāfir*), 'Indeed, Allāh has only given me a choice.' Then the Prophet recited, 'Whether you ask forgiveness for them or do not ask forgiveness for them, if you ask forgiveness for them seventy times, Allāh will not forgive them that' [9:80]. (The Prophet said:) 'And I will increase beyond seventy."<sup>463</sup>

So the Prophet  $\not\equiv$  took the  $z\bar{a}hir$  words about the choice and took the previous  $a\bar{s}l$  of the permission of seeking forgiveness (for the  $kuff\bar{a}r$ ) until he was prohibited from that altogether. There is in this the falsehood of  $qiy\bar{a}s$ ,  $ta'l\bar{l}l$  and  $dal\bar{l}lul$ - $khit\bar{a}b/mafh\bar{u}m$  al- $mukh\bar{a}lafah$ .

Abū Thaʻlabah Al-Khushanī Jurthūm Ibn Nashir said, "The Prophet said, 'Verily Allāh has laid down religious obligations, so do not neglect them; and He has set limits, so do not overstep them; and He has forbidden matters, so do not violate them; and He has remained silent about matters, out of compassion for you, not forgetfulness, so do not seek after them."

We ask them: elaborate us on any *qiyās*-based principles you use in deriving rulings. If their response is that *qiyās* involves applying a ruling—whether obligatory, permissible, or prohibited—to an issue which is similar in ruling, based on a shared rationale (*'illah mustakhrajah*) between the issue and the ruling what is *manṣūṣ*, or due to significant similarity between the the issue and the ruling. We say: You claim that which has no evidence to it whatsoever. None of the *ṣaḥābah* expressed such views. They also never uttered a word like any of this. They unanimously agree that the entirety of the *sharī'ah*, from its beginning till the end, can be derived from *nuṣūṣ*, and uniformly acknowledge, without any difference of opinion, that the entire *sharī'ah* cannot stem from *qiyās* alone.

Another  $burh\bar{a}n$  is the universal principle fact that whatever is necessary for all cases must also be necessary for some cases. Since all  $shar\bar{a}$  'i' can only be derived from  $nus\bar{u}s$ , it is impossible for the entire  $shar\bar{a}$ 'i' to be established through  $qiy\bar{a}s$ , and it is then impossible for any part of the  $shar\bar{a}$ 'i' to be solely rooted in  $qiy\bar{a}s$ . The reason for the impossibility of the entire  $shar\bar{a}$ 'i' being based on  $qiy\bar{a}s$  is that there must always be existing  $nus\bar{u}s$  upon which  $qiy\bar{a}s$  can be applied.

<sup>463</sup> Şahīh al-Bukhārī 4670

<sup>464</sup> Sunan Al-Dāragutnī 4/183

Another burhān is in the following scenario posed to the proponents of qivās: If you argue that since Allāh prohibited cutting the hand of a thief for theft below three dirhams or ten, that because of that it must also be prohibited for a person giving less than 3 dirhams as mahr. And that if kaffārah is mandated for deliberate intercourse during ramadān's daylight hours, it must likewise because of that be mandated for anyone intentional eating during the same time. And that if shaving one's head without necessity during *ihrām* is prohibited, it must because of that extend to shaving hair from the sexual organs during ihrām. And as for selling wheat for more or less wheat on the spot, it also becomes because of that prohibited to sell barley for barley on the spot. Some argue, "No, because of that selling iron for more or less iron on the spot becomes prohibited instead." And others say, "No, because of that selling cabbage for more or less cabbage on the spot becomes prohibited instead." They also say, "Since it is allowed to keep dogs for hunting and cattle after their prohibition, it must become permissible to sell them." And that since onethird is permitted for wasiyyah (bequest) for the bequeathed, it becomes because of that allowed to sell fruits before their wellness (in appearance) if it is less than one-third for the vine grower. If they claim that Allāh and his Messenger permitted, prohibited, or mandated creating such rulings based on such reasoning, then they are directly fabricating falsehood against Allah and his Messenger # and distorting the true essence of the religion. This is the method of qiyās and it is inventing a set of rulings and a sharī'ah without the permission of Allāh and his Messenger—a blatant deviation from the true orders of Allah and His Messenger.

If they ask us in the same manner we asked them, but that regarding us it is about a *musnad khabar al-wāḥid* narrated by upright narrators. We say: This is necessary on you in the same manner you pose it against us. As for us we do not increase anything and we limit it to what is included from  $nuṣ\bar{u}ṣ$  only. Allāh prohibited, obliged and permitted everything that is authentically known from narrations of the Prophet and whatever reaches us from those narrations we accept any of it and apply any of it. As for them, it is said to them: Is every  $qiy\bar{a}s$  that  $ahl\ ul$ - $qiy\bar{a}s$  carry out always correct or is there among  $qiy\bar{a}s$  as well. There is no other option. If they say, "All  $qiy\bar{a}s$  that exists in the world is correct," then they abandon their method and oblige the impossible that matters can be both  $har\bar{a}m$  and  $hal\bar{a}l$  and obligatory at the same time. If they say, " $Qiy\bar{a}s$  is sometimes wrong and sometimes correct," then we say: How do you get to know what is correct from what is wrong



regarding  $qiy\bar{a}s$ ? And there is never any answer to this, there is no certain evidence ever which all of them can agree on that it is what decides false  $qiy\bar{a}s$  from the correct. Amd whatever has no way of being the truth then it is false.

If they say to us, "Is then all  $\bar{a}th\bar{a}r$  and  $\bar{a}h\bar{a}d\bar{t}th$  correct according to you, or is there among them false and some correct."

We say: Every single narration that is authentic, narrated from *thiqāt*, from the Prophet then it is the truth, because this is what Allāh and His Messenger explicitly ordered us, and it is never allowed for anyone to abandon what is mentioned in it except if it there is a certain case of a *naskh* or *takhṣīṣ*. And there is also never any case of a *qiyās* doing *naskh* ever.



## Section: Over A Hundred Contradictions Of *Ahl Al-Qiyās*

We will now by the will of Allāh mention some of the *qiyās ahl ul-qiyās* contradict and in issues which they claim *qiyās* on because of a similarity, which implies them to apply the same ruling to other issues which they would themselves never accept and they themselves also never mention. If it would be the case we would mention every single *qiyās* they contradict, it would be larger than this book.

Most of them do not draw  $qiy\bar{a}s$  from their view on water added to  $naj\bar{a}sah$ , to  $naj\bar{a}sah$  added to water, they do not make these the same, they make a difference between these two with no evidence. They claim the evidence for it is when the Prophet ordered applying water on urine. But there is no evidence in any of this. As there is no other possible way to clean urine from clothes, only a  $j\bar{a}hil$  uses that as an argument. Some of them agree with us such as  $s\bar{a}hib$  al-mufhim that that narration is specific only.

Some of them do not draw *qiyās* from their view regarding the obligation of spilling what a dog licked, to the view that it is sufficient to wash the vessel which a dog licked, instead of spilling it. They also do not believe in using other than water to clean it.

Most of them make a difference between water in which *najāsah* falls and between other liquids in which *najāsah* falls. They also establish a specific threshold for water, deeming it impure only when it reaches a certain quantity. However they do not set this threshold for liquid other than water at all, even when they are present in large quantities. Only some, like Abū Thawr, have drawn *qiyās* from non-water liquids to water regarding the threshold after which it can become impure.

Some of them make a difference between the ruling of water in a well and water from other sources. They do not draw *qiyās* to rule them the same by following the claims of other scholars regarding it. While they disobey the

Prophet and many *fuqahā* regarding *muṣarrah*, wiping on the '*imāmah* and also the ruling of the *muṣhaf*, and over one thousand issues.

They also make a difference between water contaminated by something rotten in a stream and the corresponding rulings if other *najāsah* falls into it.

Some of them draw *qiyās* from a swine to a dog regarding the ruling of cleaning what is licked by them for one or seven times. And some of them do not draw *qiyās* here. And some of them draw *qiyās* that it is not only regarding swines or dogs, instead all animals which are prohibited and disliked to eat. And some of them do not draw this *qiyās*. And some draw *qiyās* what does not have blood from carrion animals to what does have blood. They believe it makes everything *najis* upon contact. While some of them do not believe that. None of them use the swine which should be the dirtiest animal, while nothing has been said regarding the obligation of spilling what it licks or the obligation to clean it, to extend all animals to the ruling of the swine so that none of them are obliged to be cleaned, except for the dog specifically.

Some of them draw  $qiy\bar{a}s$  from scorpions, beetles, worms to rule them the same as flies. But they do not include animals such as rats. And when the Prophet ordered the dipping of a fly's wing into water, none among them contend that this order must be applied to creatures like scorpions, beetles, worms, or at the very least, to different species of flies.

Some of them draw  $qiy\bar{a}s$  from the stool and urine from animals which are allowed to eat from, based of the meat of the animal. In order to allow eating the stool and urine, while they do not draw  $qiy\bar{a}s$  from stool and urine to the blood which is always prohibited to eat from any animal.

Some of them draw  $qiy\bar{a}s$  from the tail of the dog to its tongue, while some of them do not use this  $qiy\bar{a}s$ .

Most of them draw *qiyās* from wiping on wounds to the ruling of wiping on the socks, while they do not use the permissibility of wiping on the '*imāmah* to the ruling of wiping on the socks instead. Some of them did use this *qiyās*, while Every single one of them draw *qiyās* from taking off the socks after wiping them to the ruling of shaving the hair and cutting the nails after wiping the feet or washing the feet.

Some of them do not draw *qiyās* from the permissibility of praying the obligatory prayer with *tayammum* to the permissibility of praying the voluntary prayer with *tayammum*. Some of them do draw this *qiyās*. The first group contradicts as they draw *qiyās* from the permissibility of individuals



with  $wud\bar{u}$  praying behind those with tayammum due to the permissibility of those with tayammum praying behind those with  $wud\bar{u}$ .

From the wonders is their *qiyās* of obliging a menstruating woman to wait three days after her menstruation ends for her to become pure, because of Thamūd given three days of respite before the thunderous blast, and *muṣarrah*. This ridiculous *qiyās* prohibits her from praying fifteen obligatory prayers, and obliges three days of breaking the fast, but prohibit the *qiyās* of wiping on the 'imāmah' because of the reason the khuffain can be wiped.

Some of them use  $qiy\bar{a}s$  on the urine of animals from which the meat is permissible on each other. Some of them use  $qiy\bar{a}s$  from these animals based on what caused the urine, if it was from them drinking  $naj\bar{a}sah$ , then the urine is najis, and if it was from pure water, then it is pure. They do the exact same for the stool of the animal. But they do not do this for the meat of the animal, they allow eating its meat, no matter how much stool, urine or  $naj\bar{a}sah$  or maitah (carrion), eats swine meat, such an animal consumes.

Most of them do not draw  $qiy\bar{a}s$  of  $nab\bar{\imath}dh$  of figs to allow  $wud\bar{\imath}$  with it because of the permissibility to use  $nab\bar{\imath}dh$  of dates for  $wud\bar{\imath}$  during travels. The  $qiy\bar{a}s$  of  $nab\bar{\imath}dh$  of figs on dates has also been drawn by Abū Ḥanīfah.

Most of them prohibit speaking during the  $adh\bar{a}n$  based on  $qiy\bar{a}s$  drawn from the prohibition of speaking during the prayer. While they contradict and do not allow its opposite instead as they allow  $adh\bar{a}n$  without  $wud\bar{u}$ .

Some of them allow performing  $wud\bar{u}$ ' in the opposite manner, from the end to the beginning, but they do not allow performing the  $adh\bar{a}n$  in the opposite manner from its end to its beginning and also not  $taw\bar{a}f$ . They do not draw  $qiy\bar{a}s$  to apply it to other than  $wud\bar{u}$ ' such as  $taw\bar{a}f$ ,  $adh\bar{a}n$  and  $sal\bar{a}h$ . Some of them did use  $qiy\bar{a}s$  on all of that but prohibit some of it and allow some.

Some of them made a difference between obligatory prayer and voluntary prayer. They allow one to lead the voluntary for whom it is allowed to lead the obligatory prayer. This is contradicting as they do not allow women to lead other women in any prayer, while some of them did allow women to lead any prayer.

Some of them do not allow voluntary prayer behind the one praying obligatory prayer while it is allowed to pray the obligatory behind the one praying voluntarily. And some of them use  $qiv\bar{q}s$  to make it all the same.

All of them do not draw  $qiy\bar{a}s$  prohibiting the traveler from praying fully (four cycles) behind the resident  $im\bar{a}m$  because of the prohibition for the

residents to shorten the prayer for the travelers behind. The worst of these is that they do not draw *qiyās* completing the prayer fully for the people of Makkah at *mina* because of praying fully for the people of *mina* at Makkah.

Some of them do not draw  $qiy\bar{a}s$  on the permissibility of praying any obligatory prayer behind a sinner from the rulers, because of the permissibility of praying jumu'ah behind them. Some of them did use  $qiy\bar{a}s$  here and ruled them all the same.

Some of them do not draw  $qiy\bar{a}s$  on beginning with a  $takb\bar{\iota}r$  for the one standing after the two rak 'ahs to the ruling of  $takb\bar{\iota}r$  during the  $ruk\bar{\iota}u$ ',  $suj\bar{\iota}u$  or raising from the  $suj\bar{\iota}ud$ , some of them make these all the same.

Some of them do not draw  $qiy\bar{a}s$  on building (continuing the prayer after  $tah\bar{a}rah$ ) on the prayer after hadath, because of the obligation to build on after cleaning a bleeding nose. Some of them made these all the same.

Some of them do not draw *qiyās* on the obligation of building before having done two *sajdahs*, because of the obligation of building after having done the two *sajdahs*. Some of them did draw *qiyās* on both and made all the same.

Some of them do not draw *qiyās* for the forehead and feet touching *najāsah* during the prayer because of the ruling when the hands and knees touch *najāsah* during the prayer. And some of them made all of it the same. Those who only draw *qiyās* for some of them contradict even further as they do not draw *qiyās* on the permissibility of the feet and knees touching other than earth or what grows on it to the permissibility of touching the forehead and hands on it. They make the two different.

Some of them do not draw  $qiy\bar{a}s$  from the one affirming certainty that hadath occurred for who doubts their  $wud\bar{u}$ ' to the one affirming certainty of  $wud\bar{u}$ ', for who doubts hadath. Some of them made all of it the same.

Some of them do not draw *qiyās* for a lot of *sahw* to little amount of *sahw*. For a little amount of *sahw* they say *sujūd* is valid. And for many *sahw* that the whole prayer must be repeated. From them are those who say, "Saying the *salām* forgetful requires *sujūd* only. But say speaking forgetful requires repeating the whole prayer. But breaking the prayer for a *ḥadath* that causes difficulty does not invalidate the prayer."

Some of them draw  $qiy\bar{a}s$  to combine gold and silver for  $zak\bar{a}h$  because of the reason goats and sheep are combined for  $zak\bar{a}h$ , but they abandon the  $qiy\bar{a}s$  of making a difference based from the between raisins and dates for  $zak\bar{a}h$ . And some them use this difference to separate instead of combine.



From the wonders is that they allow paying gold on behalf of silver and silver on behalf of gold, but they do not allow paying sheep's on behalf of goats and also no goats on behalf of sheep, and also no barley on behalf of wheat or wheat on behalf of barley, while some of them allow paying all of this based on a value because of  $qiy\bar{a}s$ .

Some of them made a difference between income from sold commodities for trade and between the profits that come from that. They see for  $ghAll\bar{a}h$  (income from rent or livestock) starting from the beginning and for ribh (profit from trading) that it must be added to all property of the year, but they do not draw  $qiy\bar{a}s$  of each other in the opposite manner.

They oblige the debts of the people, but do not oblige the debts of Allāh, except on one third of the property, they do not draw  $qiy\bar{a}s$  in the opposite manner, some of them made both the same.

Some of them do not draw  $qiy\bar{a}s$  on ornaments, even if it is loaned or for wearing based on the obligation of  $zak\bar{a}h$  on the fodder of cattle and cows. Some of them did oblige  $zak\bar{a}h$  on ornaments but omitted it on the fodder. Some of them draw  $qiy\bar{a}s$  by omitting the obligation on both because of the reason it is not obligatory on one of the two. From the wonders is that the one that omits  $zak\bar{a}h$  on both still obliges on ornaments bought for trade.

Some of them made a difference between slaves of slaves and did not see them as masters and also not as masters of their masters in the obligation of zakāt al-fiṭr. But they oblige on the slaves of the slaves of ahl ul-dimmah taking from them that which is taken from the masters of their master if they trade

Some of them oblige  $zak\bar{a}h$  on radish oil, but do not oblige it on lupine, they do not draw  $qiy\bar{a}s$  to make them the same.

Some of them oblige  $zak\bar{a}h$  on the seeds of myrtus communis, but do not oblige it on oak nuts and they do not draw  $qiy\bar{a}s$  to make them the same.

They also say whoever eats forgetful during the prayer, then the fast does not break. Others take the opposite view and say that speaking forgetful does not break the prayer but that *Ḥadath* always breaks the prayer even if it is with difficulty and that everyone that eats forgetful breaks the fast.

Some of them do not draw  $qiy\bar{a}s$  of debts to pawn regarding enshrouding, they believe enshrouding with pawning precedes it from debts. Some of them make them the same.

Some of them do not draw *qiyās* from *mudabbar* (slave free if the owner passes away) to the *muḥtakar* (that which is withhold till its value increases), some of them made the same.

Some of them do not draw  $qiy\bar{a}s$  of two partners of fruit and crops to two partners of cattle. Some of them made them the same.

Some of them believe there is  $zak\bar{a}h$  on radish oil, but do not draw  $qiy\bar{a}s$  to oblige it on lupine as well.

Some believe there is  $zak\bar{a}h$  on the seeds of myrtus but they do not draw  $qiy\bar{a}s$  to oblige  $zak\bar{a}h$  on oak nuts.

Some of them do not draw *qiyās* for the debt on the pawn for the shroud, they claim shroud is more deserving than the debt, but do not believe it more deserving than the pawn. Some made these two the same.

Some of them made a difference between the one that gives another person money to eat his profit and between the a 
otin l of it being for the owner of a property which can be cattle and he gives someone the born cattle from the original cattles, while the original cattles are for the owner. They believe there is for cattle  $z a k \bar{a} h$ , but they do not believe in  $z a k \bar{a} h$  for its profit while it is trade of property and also not on the trader and also not who has the a 
otin l. And they also do not use a 
otin l a l or its profit while it

Some of them say, "Cattle are not valid for  $zak\bar{a}h$  except after the age of five and older and from goats one year or older. Based on  $qiy\bar{a}s$  drawn from the ruling what is allowed to sacrifice." They allow it for cows, camels, sheeps. Others but do not use  $qiy\bar{a}s$  to allow others from what is allowed to sacrifice. They also do not use the ruling of cattle for the ruling of cows and camels and also not the ruling of camels and sheep for the ruling of cattle.

Some of them say, "Whoever replaces gold for silver, pays for the other with the first year," they do not draw  $qiy\bar{a}s$  from this to the one that replaces a cow for a camel or the one that replaces cattle for a goat

Some of them believe that  $zak\bar{a}h$  is taken from olives based on  $qiy\bar{a}s$  drawn from the ruling that  $zak\bar{a}h$  is obligatory on dates and grapes.

Some of them believe there is  $zak\bar{a}h$  on rice and corn for  $zak\bar{a}t$  ul-fitr based on  $qiy\bar{a}s$  drawn from the ruling that it is obliging on wheat and barley. But they do not allow olives for  $zak\bar{a}t$  ul-fitr based on  $qiy\bar{a}s$  drawn from the ruling of dates and raisins. And they do not oblige paying flour based on  $qiy\bar{a}s$  drawn from the ruling of wheat. While they did use  $qiy\bar{a}s$  drawn from the ruling on wheat to prohibit selling flour for more wheat and claim its  $rib\bar{a}$  al-bay.



Some of them omit  $zak\bar{a}h$  on what is traded with livestock, but do not draw  $qiy\bar{a}s$  to omit it from slaves who are purchased to trade.

Some of them oblige  $zak\bar{a}h$  on honey, seeds, and fruit if it's from  $zak\bar{a}table$  lands (ard al-'ushriyyah). While they omit all of it for taxable lands (ard al-khar $\bar{a}jiyyah$ ). But, they do not omit  $zak\bar{a}h$  from livestock even if it is taxable lands. So they do not draw  $qiy\bar{a}s$  from the ruling of bees to livestock and also not livestock to bees.

Some of them omit paying  $zak\bar{a}h$  on tangible property and livestock, for the insane and the non-adult because of  $qiy\bar{a}s$  drawn from the ruling that an insane and a non-adult do not have to pray. While they still oblige paying  $zak\bar{a}h$  on them for fruits and crops. Others say, "This is because there is a right on  $zak\bar{a}h$  of crops and fruit."

Some of them draw  $qiy\bar{a}s$  from the one that touches on purpose and releases semen to the one that has intercourse on purpose, and oblige him making up the fast and oblige the same  $kaff\bar{a}rah$  as intercourse, but they do not use  $qiy\bar{a}s$  of the one that takes medicine on purpose through his nose and finds it in his throat to the one that eats on purpose and do not oblige  $kaff\bar{a}rah$  on him.

Some of them draw  $qiy\bar{a}s$  of the one that is unconscious during the month of  $rama d\bar{a}n$  to the one that is sick, and because of that oblige them making up the fast, but they do not use  $qiy\bar{a}s$  by obliging the unconscious to make up mist prayers, while some of them do oblige the unconscious.

Some of them oblige the husband that forces his wife to intercourse during the daytime of  $rama d\bar{a}n$  to pay  $kaff\bar{a}rah$  also on her behalf and to fast on her behalf, but they do not use  $qiy\bar{a}s$  to oblige the wali making up the fasts on the one that passes away with missed obligatory fasts. They also oblige them  $kaff\bar{a}rah$ .

They do not draw  $qiy\bar{a}s$  of the one that vomits on purpose by omitting the  $kaff\bar{a}rah$  from him,  $qiy\bar{a}s$  of eating compared to vomiting is better than  $qiy\bar{a}s$  of intercourse to eating. Some of them did draw this qiyas.

Some of them make a difference between the ruling of who sees the  $hil\bar{a}l$  of  $shaww\bar{a}l$  and the one seeing the  $hil\bar{a}l$  of  $ramad\bar{a}n$ ; they do not make them the same with  $qiy\bar{a}s$ . Some of them do use this  $qiy\bar{a}s$ .

They do not draw  $qiy\bar{a}s$  to make the ruling of the menstruating woman who purifies, an infidel that becomes Muslim and the traveler that becomes resident during the day times of  $rama d\bar{a}n$  the same as the one that gets the news after fajr that the  $hil\bar{a}l$  of  $rama d\bar{a}n$  had been seen yesterday. They must

oblige them not to eat and drink the remaining day. They then draw  $qiy\bar{a}s$  for the obligation to make these up, except for the infidel that becomes Muslim. They do not use  $qiy\bar{a}s$  to oblige him to make it up.

The worst of this is that they draw *qiyās* of a fly entering the throat of anyone to the one that eats on purpose regarding making up the fasts, but at the same time they omit *qiyās* here to apply to who takes out with their tongue what is the size of a fly and then swallows it on purpose during the day times of *ramaḍān*. They say, "The fast is valid and there is no making up for that fast."

Some of them draw  $qiy\bar{a}s$  to claim that the menstruating woman is the same as the insane regarding making up fasts for  $ramad\bar{a}n$ . But they do abandon this  $qiy\bar{a}s$  as they do not use it for the obligation of  $hud\bar{u}d$  by making them the same.

They make a difference between the one having intercourse and the one eating, they say, "Intercourse obliges rulings which eating does not oblige. Intercourse obliges *ghus*, a *ḥadd*, a *mahr*, and eating and drinking does not olbige any of this. Eating obliges a fine, which this is not obliging because of intercourse. Eating from the property of the friend is allowed, and it is not allowed to have intercourse with the slaves he owns," because of this some do not oblige *kaffārah* on the one eating.

Some of them draw  $qiy\bar{a}s$  that the unconscious one during  $ramad\bar{a}n$  on the sick one regarding making up the fasts, but they do not use  $qiy\bar{a}s$  to oblige making up prayers for the unconscious. While some of them did use this  $qiy\bar{a}s$ .

Some of them do not draw *qiyās* for those who break the fasts which they make up from missed fasts of *ramaḍān*, by obliging them *kaffārah*, while it is obligatory in cases where *kaffārah* is obligatory, some of the *salaf*, did follow this view.

They also oblige  $kaff\bar{a}rah$  on the husband doing  $zih\bar{a}r$  of his wife and on the woman who had intercourse during  $ramad\bar{a}n$ . While the Prophet heard these cases and did not oblige anything. They also do not draw  $qiy\bar{a}s$  to oblige the wife doing  $zih\bar{a}r$  of her husband  $kaff\bar{a}rah$  because of the reason the husband is obliged it. While the majority of the salaf had obliged  $kaff\bar{a}rah$  on the woman doing  $zih\bar{a}r$  of her husband.

They draw *qiyās* that eating on purpose during *ramaḍān* must pay *kaffārah* just as it is obliging on the one having intercourse. But they do not oblige *kaffārah* on the one breaking his prayer on purpose, while prayer has a greater sanctity than fasting.



Some of them draw  $qiy\bar{a}s$  to oblige the one that breaks his fast during  $ramad\bar{a}n$  forgetful to make it up the same as the one doing it on purpose. While they do not oblige  $kaff\bar{a}rah$  on them. And they also do not use  $qiy\bar{a}s$  of the one eating forgetful to the one vomiting forgetful, they omit its obligation for one of them but not the other.

Some of them make a difference between rulings related with intention and they do not use  $qiy\bar{a}s$  on all of them. Some allow ablution without intention. While they do not allow prayer except with intention. And some of them do not allow ablution except with intention while they allow obligatory fasting without intention. Some obliged intention for all, while they exclude it for hajj.

Regarding the obligatory compensation during *iḥrām*, some of them say, "Whoever throws away ticks from himself does not have to feed the poor. But if he throws it away from his animal then he must feed the poor," they do not use *qiyās* on each other.

Some of them do not draw *qiyās* for the issue permitting the killing of rats even if it does not cause harm to the prohibition to kill crows and kites if it does not cause harm.

Some of them believe in the obligation of recompense of who kills a cat, but they do not draw  $qiy\bar{a}s$  from that to include the leopard in the same ruling.

They also draw  $qiy\bar{a}s$  for the permissibility to kill a leopard based on  $qiy\bar{a}s$  drawn to kill beasts of prey. But at the same time they do not draw  $qiy\bar{a}s$  for killing a falcon based on the previous drawn  $qiy\bar{a}s$  about crows and hikes. While regarding the falcon they do believe there is recompense for it.

Some of them do not draw *qiyās* that the *muḥrim* can stay in a vehicle based on the ruling that they can stay in a tent. They believe the obligation of *fidyah* on the one staying in a vehicle. And also a ship. But they do not use *qiyās* of obliging *fidyah* on the one that walks in the shadow of the vehicle.

Some of them do not draw *qiyās* that the one using fat or oil for the inside of his hands and feet is obliged to pay *fidyah* because of it being obliging when it is used for outside of the hand.

Some of them do not draw *qiyās* for the prohibition of eating what the *muḥrim* slaughtered to prohibit eating what is slaughtered by a stealer and plunderer as they allow eating from it. Some of them allowed everything.

Some of them do not draw  $qiy\bar{a}s$  that the crime of the slave is upon himself alone, to the view that game hunted by the slave is not upon the culprit.

Some of them draw  $qiy\bar{a}s$  of some hunted game on the fetus of a woman, but not in the opposite manner.

And some of them do not draw *qiyās* its prohibition on the *muḥrim* that slaughtered his game outside the *ḥaram* to the permissibility of slaughtering game inside the *ḥaram* if it is entered from outside the *ḥaram*.

Some of them draw  $qiy\bar{a}s$  for the one that killed a lion to the ruling of the one that killed a wolf. They do not believe there to be compensation for them. But they do not draw  $qiy\bar{a}s$  for the one killing an eagle and aquila to the ruling of killing kites and crows. They believe that there is for aquila and eagle compensation, but they do not draw  $qiy\bar{a}s$  here to extend that to the one killing a lion or swine because of the ruling on the one killing wolf.

While they believe that there is compensation for the lion and swine.

Some of them say, "If the  $q\bar{a}rin$  kills a game, there is one recompense obliging. They do not use  $qiy\bar{a}s$  of that to the  $q\bar{a}rin$  that invalidates his hajj, obliging him two hadis. Some of them did use a  $qiy\bar{a}s$  on each other, some obliged two hadis and others obliged because of that on both only one.

Some of them say, "If a handsome slave enters Makkah he must enter *iḥram*, and this is not upon the Muslim who is a non-Arab, nor upon a modest slave girl who is for sale."

Most of them make a difference between fasting on behalf of someone else and between *hajj* on behalf of someone else. They do not make it the same as charity and freeing slaves on behalf of someone else. They use for this the verse, "And that there is not for man except that [good] for which he strives" [53:39]. If this verse according to them prohibits fasting on the behalf of others it must also prohibit charity on behalf of others with no difference. They then say *ḥajj* on behalf of others is allowed only through bequests, while they still do not allow fasting on behalf of others even if they did bequest it.

They do not draw *qiyās* for the one that stays at 'arafah before the sunset and then departs not returning back to it that night. While they say, "The hajj of the one not staying at *muzdalifah* till the sunrise of the day of sacrifice is invalid."

Some of them do not draw *qiyās* from who does not depart from '*arafah* with the *imām* regarding the permissibility of combining the prayers at *muzdalifah* to the one who does not pray the prayer with the *imām* at '*arafah*.



Some of them draw *qiyās* of *hadi* to *uḍḥiyah* regarding what is valid, but they do not use *qiyās* of *dhabḥ* and *naḥr* before the *imām*, whichever is valid before the *imām* regarding *hadi* is invalid for *uḍḥiyah*.

They do not draw *qiyās* from the ruling on the blind one regarding the obligation of *ḥajj* to the one not able to walk. Regarding the obligation of *ḥajj* being omitted from them.

They draw *qiyās* regarding the residents of *dhū al-ḥulaifah* which is two hundred fifty miles away from Makkah on the residents of *yalamlam* who are thirty-miles away from Makkah, they also say there is no *hadi* needed from them if they do *tamattu*'. They do not draw *qiyās* to make both the same and others. They also do not draw *qiyās* from the two to shorten the prayer and break the fasts. Others did make them all the same except for prayer.

They do not draw  $qiy\bar{a}s$  on the one wearing a thorn thawb which is afterwards stitched during  $ihr\bar{a}m$  without necessity wearing it one day to the one wearing it lesser than one day for no necessity,

Some of them do not draw *qiyās* from the prohibition of killing predatory beasts for a *muḥrim* which do not cause harm and obliging compensation for that, to the view that it is allowed to kill wolves even if they do not cause harm and there is no compensation for that. Very few of them use *qiyās* that the one killing on accident is the same as the one killing on purpose. They oblige compensation for all of it, they do not believe the one killing on purpose is obligated to *kaffārah*.

Some of them draw  $qiy\bar{a}s$  by omitting compensation on the one that killed a transgressing predatory beast because of  $dam\bar{a}n$  being omitted from the one killing a transgressing camel. Some did draw using such  $qiy\bar{a}s$ . They believe there is  $dam\bar{a}n$  on the one killing a transgressing camel while they do not believe in compensation on the one killing a transgressing predatory beast. Some of them used  $qiy\bar{a}s$  on all of them.

Some of them do not draw *qiyās* on the non-*muḥrim* who kills game at the *ḥaram* in Makkah by obliging him recompense, to the *muḥrim* who kills game outside the *ḥaram*. They oblige fasting on the *muḥrim*, but they allow nothing other than recompense for the one outside the *ḥaram*, some of them made the two similar.

They also do not draw *qiyās* that the one killing an animal at Madīnah which is a *ḥarām* and obliging compensation on him the same way it is all obliging on the one killing it at Makkah. Some of the *salaf* and *khalaf* did oblige it.

They do not draw  $qiy\bar{a}s$  regarding the prohibition of selling milk of women in a bottle to the permissibility of selling other milks in bottles.

Some of them do not draw  $qiy\bar{a}s$  of the prohibition of a sale before handing over before splitting up regarding gold for gold and silver for silver to the permissibility of completing a sale before handing it over and before splitting up regarding the sale of wheat for wheat, barley for barley, dates for dates, salt for salt. They prohibit such a sale specifically for gold for gold and silver for silver, while they allow it for other commodities.

Some of them do not draw  $qiy\bar{a}s$  of their prohibition of selling stomach fat for more or less meat to the permissibility of selling the fat of the back for more or less meat, some of them made these rulings the same.

Some of them also do not draw *qiyās* on the prohibition of selling the back of an animal for more or less of its meat to permitting the sale of any other body parts of an animal for more. Some of them made all of it similar.

Some of them draw  $qiy\bar{a}s$  for the sale of fresh dates for dried dates to the sale of new dried dates to old, dried dates.

Some of them draw *qiyās* on the sale of flour more or less wheat to prohibit making *nabīdh* of fresh dates and dried dates, They say, "They are both the same."

Some of them draw  $qiy\bar{a}s$  from the prohibition of selling flour for wheat to prohibit the sale of fresh dates for dried dates.

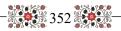
Some of them do not draw *qiyās* on who sells the wealth of others without the permission of the owner from who buys from him without their permission. Some make both the same.

Some of them do not draw  $qiy\bar{a}s$  on selling who became deaf to the one that is born deaf.

Some of them do not draw  $qiy\bar{a}s$  from the sales of the intoxicated, to the intoxicated divorcing his wife. They permit and validate his divorces but invalidate his sales. Some did  $qiy\bar{a}s$  to invalidate all of it. Some did  $qiy\bar{a}s$  to validate all of it.

Some of them do not draw *qiyās* from the permissibility of *salam* (a sale whereby goods are delivered at a future date and sale price is paid in full in advance. Goods must be defined and the date of delivery fixed. Ownership of the *salam* goods is transferred immediately) on fat to meat. Some of them validate and allow all of it.

Some of them do not draw *qiyās* from the permissibility of *salam* on salty fish to their view of prohibiting *salam* on tender fish.



Some of them do not draw *qiyās* from the falsehood of *sarf* and departing before handing over the properties to their view of the validity of *iqālah* with departing before handing over the properties quick.

Some of them do not draw  $qiy\bar{a}s$  from the prohibition of more or less in exchanging flour for wheat to their permissibility of exchanging more or less milled wheat for wheat, while both of them are wheat.

The worst of this is that they do not draw *qiyās* from the permissibility of selling small unripe dates (*balaḥ*) for more or less dried dates (*tamr*) to their prohibition of selling large unripe dates for dried dates.

Some of them do not draw  $qiy\bar{a}s$  for the permissibility of selling what dries from peaches and pears with each other for more or less to the prohibition of selling raisins, wheat, figs, oak nuts with each other for more or less from the same type.

Some of them draw  $qiy\bar{a}s$  food for food regarding  $rib\bar{a}$ . but they do not draw  $qiy\bar{a}s$  of minerals with minerals regarding  $rib\bar{a}$ . They allow the sale of metal for more or less metal, and the sale of metal for copper, gold, silver graphite and all other minerals.

Some of them do not draw  $qiy\bar{a}s$  of their saying declaring all cotton types the same for  $zak\bar{a}h$  to their view of it being the differences of cotton with sales.

Some of them do not draw  $qiy\bar{a}s$  from their prohibition of the sale of fat with milk or cheese with milk or oil for olives to their view of permitting the sale of wheat for more or less flour and also not to their view of permitting the sale of milled wheat for more or less wheat.

Some of them do not draw  $qiy\bar{a}s$  from declaring fat of cows and cattle are the same type and from declaring the meat of ewes, rams, rabbits and donkeys are the same one type. To their view the oil of olives, oil of sesame and the oil of radish are all different types, and to the view of allowing selling these with each other for more or less.

But they do not allow the sale of *nabīdh* of dates for more or less *nabīdh* of raisins. And they do not allow more or less sales between meat of camels and meat of rabbits, and also not between the meat of donkeys and the meat of ram.

Some of them do not draw *qiyās* on from their prohibition of selling grapes for juice at all to their view of allowing the sale of grapes for more grape vinegar. While vinegar from grapes can exist without it ever becoming juice.

Some of them do not draw *qiyās* from their view of prohibiting the sale of milk for fat at all because they are from the exact same type. to their view of allowing the sale of milk of ewes for fat.

They also do not draw *qiyās* regarding the prohibition of selling wheat for wheat by endeavor without weighing it. While they allow that for selling meat for meat from the same type. While they also do not allow selling gold for silver by endeavor without weighing. While they do allow wheat for dates by endeavor without weighing.

They also do not draw *qiyās* regarding the prohibition of selling grilled meat for more or less raw meat. While they allow selling meat cooked for raw more or less meat.

They also say meat and fat are from the exact same type they also say starling, grus and ostrich are all from the exact same type. While they at the same time say the cooked meat of an ostrich and its raw meat are two different types by which it becomes allowed to sell it for more.

Some of them do not draw *qiyās* on the permissibility of selling one whole chicken for two whole chickens. While they prohibit the sale of the meat of chicken for the meat of two chickens.

Some of them do not draw  $qiy\bar{a}s$  from the prohibition of selling one ewe while excluding its skin while being a resident to the permissibility of such a sale as a traveler.

Some of them drew *qiyās* from the permissibility of *salam* regarding property which can be counted and has a measure to permit *salam* with that which has a weight, but they do not draw *qiyās* from the permissibility of *salam* instantly to also permit postponing it, while they prohibit it, some of them did use this *qiyās*.

Some of them do not draw  $qiy\bar{a}s$  from their view of marrying off an orphan who is ten years old due to poverty to their view of prohibiting the private parts for necessities.

Some of them draw  $qiy\bar{a}s$  by prohibiting intercourse in the anus because of the prohibition of intercourse in the vagina of a woman who is not the wife. But they do not extend this  $qiy\bar{a}s$  to the one that has intercourse with an animal.

They also do not draw  $qiy\bar{a}s$  from the plunderer one to one stealing by means of stealth and also not to highwayman. While all of them take without right. The plunderer is more similar to the highwayman than the one having intercourse in the anus is to the one having intercourse with other than the

wife. Because the anus is not a vagina, while the plunderer and the highwayman are all in the same manner in taking property and scaring people. Especially since they draw  $qiy\bar{a}s$  that the one drinking khamr and the plaintiff claiming fornication are the same in ruling. This is severe contradiction.

If they say  $sah\bar{a}bah$  drew  $qiy\bar{a}s$  from the one drinking khamr to the  $q\bar{a}dhif$  we clarified this in the most clearest of details before.

They forget their own method as they claim they do not use *qiyās* on *hudūd* and anything that has specified numbers. Their false method leads them to obliging *hadd* on the one drinking blood, eating carrion and swine meat.

Some of the *fuqahā*' such as Al-Awzā'ī did draw *qiyās* on these because of the ruling of the ruling of the one consuming *khamr* and they claim there is eighty lashes on anyone drinking blood, eating meat and for eating swine meat.

Some even used *qiyās* that if someone steals, consumes *khamr* and then fornicates but then repents that the *ḥadd* for all of that is omitted because of the ruling this is allowed for the highwayman, this is the view of 'Urwah.

And some of them do not use  $qiy\bar{a}s$  for all of those because of the highwayman but draw them to the ruling if the killer, while the one killing is not at all in  $hud\bar{u}d$  more similar than the highwayman is with them.

Some of them draw  $qiy\bar{a}s$  from the killer that can be forgiven from the hadd to the ruling of the unmarried fornicator. But they do not continue drawing this  $qiy\bar{a}s$  to the apostate, and also not the highwayman before he is caught, or if the  $im\bar{a}m$  forgives fighting them.

Allāh made *khamr*, gambling, slaughtering on stone altars and arrows for seeking luck or decision the same. It becomes then obligatory and necessary on them to oblige the *ḥadd* of *khamr* on the one gambling, slaughtering on stone altars and the one using arrows for seeking luck or decision exactly the same as the *hadd* of *khamr* as Allāh made them all the same.

Some of them do not draw *qiyās* from their permissibility to buy a part of a joint ownership to the prohibition of its pawn, gifting and charity.

Most of them draw  $qiy\bar{a}s$  from the ruling selling when the  $\bar{a}dh\bar{a}n$  to jumu'ah is called to  $nik\bar{a}h$  and leasing by either allowing all of it or prohibiting all of it during the  $\bar{a}dh\bar{a}n$  of jumu'ah.

Some of them do not draw  $qiy\bar{a}s$  from their view of allowing two open sinners as the witnesses for  $nik\bar{a}h$  who are free, to their view of invalidating the  $nik\bar{a}h$  if the ones witnessing were slaves.

And some do not draw *qiyās* from the view that when any idolater that marries an idolatress with the *mahr* being *khamr* or a swine and that when they both become Muslim that there is nothing on them, to the view that if the *mahr* is not exactly *khamr* or swine that she can then have its value for *khamr* and for swine *mahr al-mithl*.

Some do not draw *qiyās* from the validity of a divorce issued by the *dhimmī* to them omitting the *'iddah* from the *dhimmiyyah* divorced by a *dhimmī*.

Some of them do not draw  $qiy\bar{a}s$  from their view that the period of a slave regarding 'unnah' (unable to have intercourse) is six months and the period of  $\bar{\imath}l\bar{a}$ ' is two months, that the period of the missing female slave is two years, that the divorce of the slave is two, that the 'iddah of a slave girl is two menstruations, to apply this addition also that the slave can marry four, that he must fast two months for  $zih\bar{a}r$  and also that for intercourse on the daytime of  $ramad\bar{a}n$ , manslaughter, the testimonies for a slave and slave girl for  $li'\bar{a}n$  is four like the free man and woman and that the 'iddah of a  $mustah\bar{a}dah$  slave is one year like the free woman.

Some of them did draw this *qiyās* to apply it to these of such cases. They make the ruling of the slave in everything half the ruling of the free.

Others among them said, "The period of a slave regarding  $\bar{\imath}l\bar{a}'$  is four months and he cannot marry more than two wives." While Abū Ḥanīfah said, "The 'iddah of a slave girl is two menstruation periods. If he passed away then it is half the 'iddah of a free woman. A slave cannot marry more than two wives."

And Abū Ḥanīfah said, "The fasting of a slave for *zihār* is the same amount as a free man. A free woman does not become prohibited for her husband who is a slave except after three divorces. The period of a slave regarding *'unnah* who has a free wife and a slave girl is the same as the period of a free man."

Mālik said, "A slave can marry four wives from free women and slave girls. The fasting of a slave for  $zih\bar{a}r$  is the same fasting as a free man. The 'iddah of a slave girl after divorce is with  $shuh\bar{u}r$  for three months like the free woman."

Al-Shāfiʿī said, "The '*iddah* of a slave girl is two menstruations. If the husband passes away with *shuhūr*, it is half the '*iddah* of a free woman. A free woman and slave girl become prohibited for the slave with two divorces. A



slave does not marry except two. The period of a slave that has 'unnah is the same as a free man and also fasting for  $zih\bar{a}r$  is the same as a free man."

All of them here contradict the  $qiy\bar{a}s$  of one another in this issue alone.

This is the exact same in all other aḥkām with no difference.

They concur on the falsehood of  $qiy\bar{a}s$  using the ruling of fasting for  $zih\bar{a}r$  for other  $ahk\bar{a}m$  of the slave. There is also no  $ijm\bar{a}$  on that because Qatādah and others differed. They did not agree that half the ruling for the slave from the ruling of the free except for 'iddah when the husband passes away 'iddah of menstruation and divorce of the slave and slave girl. And there is also no  $ijm\bar{a}$ ' on that as Ibn Sīrīn said, "The 'iddah of the slave girl is like the 'iddah of the free woman regarding the passing away of the husband and Aqra." It is also known of Ibn 'Abbās as he ordered his slave to return to his wife while she was a slave girl that was divorced twice.

Some of them do not use  $qiy\bar{a}s$  from their view that if the man looks at the vagina of the woman he divorced during the 'iddah with desire she can then return to him, to their view that if he looks as any other place of her body other than the vagina with desire that she cannot return and also not if he touches her body with desire.

Some of them do not draw *qiyās* on their view that whoever says to his wife, "You are my woman," intending divorce. They do not view this as divorce, to their view that if he says to her, "Get up!," while intending divorce, that it is a valid divorce.

Some also do not use *qiyās* from their view regarding the one saying to his wife, "Choose!" and she answers, "I choose myself." And he says, "By that she is divorced," to their view that if he says to her, "Divorce yourself," she answers, "I divorce myself," or she says, "I choose myself. None of them view this to be divorce while they say, "If he says to her, 'I do not own you," they view this to be divorce.

They also do not draw  $qiy\bar{a}s$  from their view regarding the one that says to his wife, "You are divorced like the mountain," He makes her one raj'iyyah (divorced once only), to the view that if he says to her, "You are divorced like the greatness of the mountains," that the divorce is  $b\bar{a}$ 'inah (counts as 3 divorces).

Some also do not draw *qiyās* from their view regarding the one that says to his wife, "Choose! Choose! Then she says, "I chose myself the first one." Or if she says, "The second, or The last option," that it is then one divorce only to—the view that if someone says to his wife, "Choose! Choose!

Choose!" Then she says, "I chose for myself one," then it is then three divorces

Some of them also do not draw *qiyās* from their view on *takhyīr* to *tamlīk*.

Some of them also do not draw *qiyās* regarding the one that to his wife who had intercourse, "You are *ḥarām* for me just as swines, carrion and blood is *ḥarām* to me," that this counts as three divorces, to the one to who had no intercourse with his wife and says the same except that he says afterwards that he did not intend except one divorce, that he must take an oath and it becomes then only one divorce and they can return together if they want.

They do not draw *qiyās* of that to the one that says to the wife, "You are *bāttah* (divorced thrice)," that it is three divorces.

Some do not draw *qiyās* from the one that says to the wife, "I have freed your way," who is obliged to take an oath on what he intended, to the one that says to his wife, "ḥabluki 'alā ghāribiki," (meaning: go wherever you want). That this implies three divorces if he had intercourse with her and if he did not have intercourse, it is one only.

Most of them do not draw *qiyās* from their view regarding the one that doubts whether he had divorced that she is then divorced, to their view regarding the one that says to his wife, "If you hide from me this matter," you are divorced, or if he says to her, "If you annoy me you are divorced." She then tells her something he does not know if she hides it or not. She says, "I did not annoy you," and he does not know if she spoke the truth or if she lied: there is no divorce for this.

Some of them do not draw  $qiy\bar{a}s$  on the permissibility paying  $kaff\bar{a}rah$  before breaking any oath on the view that the  $kaff\bar{a}rah$  of the oath of  $\bar{\imath}l\bar{a}$  cannot happen except after breaking the oath.

They do not draw *qiyās* from their view that if anyone is unable to provide for the wife for two months that they must be separated to the one that has difficulty paying the *mahr* for two years that they must then be separated also.

Some of them do not draw  $qiy\bar{a}s$  from their view of invalidating  $li'\bar{a}n$  from the blind and the one lashed for  $hud\bar{u}d$  as their testimony is invalid to their view that  $li'\bar{a}n$  does not become invalid from a sinner who is open about the invalidity of his testimony.

Some of them do not draw *qiyās* on the 'iddah of the mustaḥāḍah from divorce for one year, whether she distinguishes the blood or not and whether she had accustomed days or not, to their view that her 'iddah if the husband passes away is four months and ten days.



Some of them do not draw *qiyās* of their view that there is retaliation for killing between Muslim, infidel and slaves to their view that there is for anything other than killing no retaliation between a slave and free.

Some of them do not draw  $qiy\bar{a}s$  of their view that ten people can be killed for one to the view that two hands are not amputated for one hand and also not two eyes for one eye.

Some of them do not use  $qiy\bar{a}s$  of retaliating by using stones or an arrow, based from the ruling of killing the  $z\bar{a}ni$  with stones and the  $muh\bar{a}rib$  with stones

Some of them prohibit shaving the mustache and only allow trimming it, they do not draw  $qiy\bar{a}s$  from drawing to shaving.

Some of them do not use  $qiy\bar{a}s$  of allowing killing a woman, while she is killed for  $zin\bar{a}$  and for retaliation, to the ruling of an apostate woman.

Everything we have presented should suffice to illustrate the amount of contradictions within this false methodology, and we have only touched on a small fraction of the numerous contradictions that exist. One could potentially compile thousands of pages delving into their contradictions.

Regarding any claims they might make, particularly if they claim, "But there is  $ijm\bar{a}$ " on abandoning what you are proposing," their claim falls into one of two categories, with no third to it. It is either true, and they are stating the truth, or it is false, and they are not being truthful. If it is indeed true that there is  $ijm\bar{a}$ " on abandoning the views we have mentioned which contradicts their  $qiy\bar{a}s$ , it conclusively demonstrates that there is  $ijm\bar{a}$ " on falsehood of  $qiy\bar{a}s$ . If  $qiy\bar{a}s$  would ever be valid, it would not be possible for  $ijm\bar{a}$ " to exist ever its falsehood. If they contend that their rejection of  $qiy\bar{a}s$  is based on  $nus\bar{u}s$  for a particular issue, let it be known that each  $qiy\bar{a}s$  we oppose them in is supported by  $nus\bar{u}s$  that contradict their  $qiy\bar{a}s$ .

If they claim, "We abandon  $qiy\bar{a}s$  due to a  $dal\bar{\imath}l$  which is not from  $nu\bar{\imath}u\bar{\imath}s$ ," the answer is that such a claim is not comprehensible, and it defies the intellect to suggest that any evidence could be stronger than  $nu\bar{\imath}u\bar{\imath}s$ . This is an impossibility.

Moreover, every single one of them uses  $qiy\bar{a}s$  in small amounts and abandons it in the majority of cases. If  $qiy\bar{a}s$  would ever have been a valid method, they would be in error for forsaking it while recognizing its validity. And if  $qiy\bar{a}s$  is false there, they are mistaken for using it entirely

Some of them say, "We do not use  $qiy\bar{a}s$  on these issues because they are odd."

This claim is false and indicates the falsehood of  $qiy\bar{a}s$  by their own agreement, because nothing within  $shar\bar{\iota}'ah$  is "odd." Anything that originates from Allāh and His Messenger  $\cong$  is the truth, and the truth is never "odd." The only thing that can be deemed odd is falsehood.

Some of them say, "We do not use qiyās on a far'."

This is false just as the claim of before. There is no such thing as a far' in  $shar\bar{\iota}'ah$ . Everything that is derived from Allāh, His Messenger , or  $ijm\bar{a}'$  is the asl. There is no concept of a far' in  $shar\bar{\iota}'ah$ .

Some of them say, "Rulings of hudūd and kaffārāt (expiations) are not derived from qiyās."

There is no difference between this claim and if someone who says, "'Ibādāt and aḥkām related to the private parts are not determined through qiyās." Those who differentiate between some rulings and others are claiming falsehood. This indicates nothing other than their agreement on the impossibility of applying qiyās to any aspect of religion. While they still impose ḥudūd on a lūṭi through qiyās and mandate numerous kaffārāt based on qiyās. In doing so, they directly contradict their earlier claim. These contradictions resemble a form of intellectual playfulness and inconsistency, and we seek refuge in Allāh from the trials they face.

Some of them say, "You also at many times abandon nuṣūṣ."

The answer is, and Allāh, exalted be he, the source of strength: This is a lie, there does not exist from anyone of us (the zāhiriyyah) any case where in which we abandon *nusūs* except for four cases to which there is no fifth: First is certain evidence for *naskh* or *takhṣīṣ* by another *naṣṣ*, it is not allowed for anyone to oppose this. Second is that it is a *naṣṣ* that has not reached us which is a very apparent excuse. Allāh burdens not a person beyond his scope. Third is that some of us believed that every mudallis is rejected except if he says, 'haddathana' or 'anba'ana' which is falsehood. And others from our companions believe in the acceptance all the narrations of a mudallis if he does not make false *tadlīs* to reliable narrators, except if it is established that he made tadlīs. This is what is correct and what we believe in. There is certain evidence for all of that and certain evidence can never be contradicted. Fourth is that some of us believed that if two narrations contradict in a case where naskh is not possible that then those two narrations are abandoned and using any of them is not allowed as it would be speaking without knowledge, which is a mistake, others from our companions believed in the obligation of using both narrations as additional rulings, which is the truth and is what we believe



in. All the praises and thanks be to Allāh there is not anyone of us abandoning any authentic narration that reached any of us for the saying of fallible humans other than the Prophet  $\stackrel{\text{def}}{=}$ , not by  $qiy\bar{a}s$  or  $ra\bar{t}$ .

They, on the other hand, neglect  $nus\bar{u}s$  in favor of ra  $\bar{\iota}$ , hawa, and  $taql\bar{\iota}d$ . And they disregard authentic narrations and even  $qiy\bar{a}s$ , as we have illustrated in significant detail. This approach is replete with contradictions and inconsistencies.

Allāh, the Most Exalted, as he said, "And those who differ therein are full of doubts. They have no (certain) knowledge, they follow nothing but conjecture" [4:157].

And He said, "But no, by your Lord, they will not [truly] believe until they make you, [O prophet], judge concerning that over which they dispute among themselves and then find within themselves no discomfort from what you have judged and submit in [full, willing] submission" [4:65].

And He said, "[We sent] messengers as bringers of good tidings and warners so that mankind will have no argument (hujjah) against Allāh after the messengers" [4:165].

And He said, "What is there after the truth, except misguidance" [10:32].

And He said, "Do not be like those who differed and divided" [3:105].

And He said, "And do not dispute with one another" [8:46].

And He said, "Mankind were one community and Allāh sent Prophets with glad tidings and warnings, and with them He sent down the Scripture in truth to judge between people in matters wherein they differed. And only those to whom (the Scripture) was given differed concerning it after clear proofs had come unto them through hatred, one to another. Then Allāh by His Leave guided those who believed to the truth of that wherein they differed. And Allāh guides whom He wills to the Straight Path" [2:213].

And He said, "Truly, the religion with Allāh is Islām. Those who were given the Scripture did not differ except, out of mutual jealousy, after knowledge had come to them. And whoever disbelieves in the verses of Allāh, then surely, Allāh is Swift in calling to account" [3:19].

And He said, "And We have not revealed to you the Book, except for you to make clear to them that wherein they have differed" [16:64].

And He said, "That is because Allāh has sent down the Book in truth. And verily, those who disputed as regards the Book are far away in opposition" [2:176].



And He said, "And We gave them clear proofs of the matter [of religion]. And they did not differ except after knowledge had come to them - out of jealous animosity between themselves. Indeed, your Lord will judge between them on the Day of Resurrection concerning that over which they used to differ" [45:17].

And He said Allāh says, "And indeed We settled the Children of Isrāʿīl in an honourable dwelling place, and provided them with good things, and they differed not until the knowledge came to them. Verily, Allāh will judge between them on the Day of Resurrection in that in which they used to differ" [10:93].

And He said, "If Allāh had willed, succeeding generations would not have fought against each other, after clear Verses of Allāh had come to them, but they differed - some of them believed and others disbelieved. If Allāh had willed, they would not have fought against one another, but Allāh does what He likes" [2:253].

And He said, "And if your Lord had so willed, He could surely have made mankind one nation but they will not cease to differ except those whom Allāh has given mercy" [11:118-119].

And He said, "If you differ in anything amongst yourselves, then refer it to Allāh and His Messenger" [4:59].



## Section: The Falsehood Of All *'Ilal*, Which Is The Pillar Of *Qiyās*

Among those who oppose  $qiy\bar{a}s$ , there is a divergence of opinion. A certain group among them says that if Allāh designates something as the reason for a particular ruling, that ruling applies in any issue where that reason is found. They say, "An example for that is the saying of the Prophet when he prohibited slaughtering with the teeth, the Prophet said regarding its prohibition, 'It is because the teeth is a bone.' So every single bone is prohibited to use for slaughtering. Another example is when the Prophet said regarding a rat stepping in to fat, 'If it is in liquid state (opposite of solid), then do not go near it.' He being in a liquid state is made as a reason not to come close to it, so whenever anything liquid is found with  $naj\bar{a}sah$  mixed in it, it is then obligatory not to come near it."

Abū Sulaymān (Dāwūd), along with every all other *Zāhirs*, rejects this belief. Only a minority of individuals, whose opinions hold no weight in the *Zāhiriyyah*, believe in it, such as Al-Qāsānī and the likes of him.

Some have claimed that Dāwūd made use of *qiyās* from which the 'illah is manṣūṣah and qiyās al-jali. This all began with Tāj Al-Dīn Ibn Al-Subkī claiming that Dāwūd wrote some papers that he called, "al-uṣūl." and that he said in it, "Qiyās is not permissible and also not istiḥsān. It is not allowed for when the Prophet prohibits something, for anyone other than him to prohibit that which the Prophet did not prohibit because of them sharing a resemblance except if the Prophet informs us about its 'illah, the reason it is prohibited, such as when he said that the reason for the sale of wheat for more or less wheat being measure and when he ordered to wash clothing because of blood or when he ordered killing so-and-so because it is black,

<sup>465</sup> Şahīh al-Bukhārī 5503

<sup>466</sup> Şahīh al-Bukhārī 5539

everything that is not from this is transgression, everything that is not mentioned by  $nus\bar{u}s$  is pardoned."<sup>467</sup>

This is not from Dāwūd without any doubt, for the following reasons: Al-Qāsānī who used to be among the companions of Dāwūd, but later opposed him and the  $Z\bar{a}hiriyyah$  in the issues of both  $fur\bar{u}$  and  $us\bar{u}l$ . Ibn Ḥazm said regarding Al-Qāsānī that he also believed in  $qiy\bar{a}s$  from which the 'illah is  $mans\bar{u}sah$  and this is then from the exact matters he opposed Dāwūd in from  $us\bar{u}l$ . It is known that Al-Qāsānī left Dāwūd for those reasons.

Al-Subkī himself said, before he mentioned from this attributed "al-uṣūl" to Dāwūd, that he saw a risalāh from Dāwūd where he rejected every single type of *qiyās* as Al-Subkī also admitted himself. Only after he mentioned the risalāh, he mentioned the quote we mentioned before attributed to Dāwūd and that quote is something he and no Zāhirī ever uttered, as will be even more evident, by the will of Allāh. Al-Subkī said regarding the *risalāh* in which Dāwūd rejected every single qiyās, "I came across a lengthy letter of Dāwūd (may Allāh have mercy on him) which he sent to Abū Al-Walīd Mūsā ibn Abī Al-Jārūd, which indicated his profound knowledge of argumentation and his proficiency in debate. My intention in mentioning it now is that its content serves as a response to Abū Ismā'īl Al-Muzanī (may Allāh have mercy on him) in his refutation of Dāwūd's rejection of qiyās. He criticized Al-Muzanī severely for it. I did not find in this book a single word indicating that he affirms any aspect of *qiyās*. Rather, his words explicitly reject it entirely, even though he did not explicitly state so. This letter that I have, the original of which is authentic and old, I believe was written around the year three hundred or even earlier.",468

There is mention in that first false quote, that Dāwūd believed the *'illah* of the prohibition on the sale of wheat for wheat was a measure, and if were to actually use this *'illah* he would be obliged prohibit the sale of many other commodities for each other. While Dāwūd and no other Zāhirī ever believed that *ribā al-bay'* exceeds the six types. 469

Dāwūd, his companions, Ibn Ḥazm, and every single  $Z\bar{a}hir\bar{\iota}$  also affirm that breastfeeding cannot happen except with the breasts directly without any

<sup>&</sup>lt;sup>467</sup> Ṭabaqāt Al-Shāfiʿīyyah Al-Kubrā 2/290

 $<sup>^{468}</sup>$  Ṭabaqāt Al-Shāfiʿīyyah Al-Kubrā2/290

<sup>&</sup>lt;sup>469</sup> Al-Muhallā 12/314, edition: Bashār 'Awwād



intermediate between them. 470 While there is a narration from the Prophet said, "Suckling is only that which is the result of hunger." If he would have used this *'illah* then he would have included matters that are than direct breastfeeding by using that *'illah*.

Ibn Ḥazm also says that no  $Z\bar{a}hir\bar{\iota}$  ever used  $qiy\bar{a}s$  by using an 'illah that is  $mans\bar{\iota}sah$ . He also says that Dāwūd and every single  $Z\bar{a}hir\bar{\iota}$  said it is prohibited to make use of an 'illah that is  $mans\bar{\iota}sah$  for any ruling other than where Allāh and his Messenger themselves placed that 'illah in.

Ibn Ḥazm said, "Dāwūd, and all of his companions (the  $z\bar{a}hiriyyah$ ) said, "Whatever has no  $nus\bar{u}s$ , it is then not allowed to say about anything of it that the ruling of it is because of such and such reason. Allāh does not do anything from the  $ahk\bar{a}m$  and also not anything other than the  $ahk\bar{a}m$  for a specific reason. If Allāh or his Messenger say regarding a matter that it is because of a reason (sabab, min ajli, li'anna, li). We then only know that Allāh made those reasons specific for the nass it is mentioned in. It does not imply using those reasons for any other ruling except for where Allāh and his Messenger mentioned those reasons for their specific rulings."

Ṣiddīq Ḥasan Khān said, "To conclude, Dāwūd and no *Zāhirī* ever used *qiyās*, even if the '*illah* is *manṣūṣah*."<sup>551</sup>

Al-Shawkānī also said, "Dāwūd and no other  $Z\bar{a}hir\bar{\iota}$  ever used  $qiy\bar{a}s$  with an 'illah that is  $mans\bar{\iota}sah$ ."

And Ibn Ḥazm also mentioned many debates, many arguments used by the zāhiriyyah before him, including Dāwūd on the falsehood of qiyās with an 'illah that is manṣūṣah, we will mention all of these as here as well, by the will of Allāh. Dāwūd would have been rejected for this in the exact same manner Al-Qāsānī was rejected for him affirming this method. Instead Al-Qāsānī was the one that opposed him affirming this method. So there is then no doubt that this is something Dāwūd never said, May Allāh have mercy on him.

As for those that believe in 'ilal and  $qiy\bar{a}s$ , they mention the verse to indicate their corrupt method, "And there is (a saving of) life for you in  $qis\bar{a}s$ 

<sup>471</sup> Al-Ihkām Fī Usūl al-*ahkām* 8/77

<sup>&</sup>lt;sup>470</sup> Al-Muhallā 10/186

<sup>551</sup> Al-Jāmi Li Ahkām Wa Usūl Al-Figh

<sup>472</sup> Irshād Al-Fuhūl 2/95

(the Law of Equality in punishment)' [2:179]. They say, "Allāh made saving of a life a reason for the existence of *qiṣāṣ*."

Everyone with the least capability to distinguish knows that there is not understood from this verse the prohibition of selling oak nuts for dates on a specified time. Whoever claims this, his lie is not obscure from anyone and it is very evident. And then they themselves are also the first ones to abandon this ta  $l\bar{l}l$  because all of them agree that there is no  $qis\bar{a}s$  against the master for his slave regarding killing and also not against the father for the killed son. They have invalidated the exact 'illah which they claim as a source for the  $shar\bar{t}$ 'ah and a pillar for their madhab. And the hanafiyyah also invalidate  $qis\bar{a}s$  against the killer of his partner on purpose. And the  $m\bar{a}likiyyah$  and the  $sh\bar{a}fi$ 'iyyah concur that there is no  $qis\bar{a}s$  that the slave can carry out against a free person, not against a  $dhimm\bar{t}$ . and also not against a Muslim if they harm him.  $^{473}$  With this they invalidate from where they take a pillar from their method as they do not apply that 'illah in these scenarios. Allāh made life a reason for the existence of  $qis\bar{a}s$  and it is not allowed for anyone to transgress by using this reason for any other issue.

As for the  $had\bar{\imath}th$  which they mention about the teeth being a bone. Every single bone, using other than the teeth is allowed for slaughtering, the Prophet is not unable to do what those  $munkhari\bar{\imath}un$  do with 'ilal. If slaughtering with any bone would be prohibited as they claim, then the Prophet would not limit it to the point of mentioning teeth only. To reach the same conclusion as them on prohibiting slaughtering with any bone, the  $nu\bar{\imath}u\bar{\imath}$  would have to be around the meaning, "Whatever item makes the blood flow and jugular vein cut from animals, then eat it as long as it is not a bone or a nail." There is also no doubt that if it would be the case that any bone is prohibited to use for slaughtering then there would remain no meaning at all in mentioning one type of bone from the thousand types of bones which is in this case teeth. It would be instead  $talb\bar{\imath}u$ , nor clarification. It is then known with certainty that bones are not prohibited from using in slaughtering's except for teeth only, the same is the saying for the other narrations they mentioned without any difference.

Those who oppose us in this are in severe contradiction in the mentioned narrations. Because the Prophet in the same narration also said, "As for the

 $<sup>^{473}</sup>$  Al-Muntaqa Sharḥ Al-Muwaṭṭaʿ by Al-Bājī 7/122 | Al-Tabṣirah by Al-Lakhmi 13/6478 | Al-Umm by al-Shāfīʿī 7/318

nail, it is a knife from <code>habashah</code>." It becomes necessary on them, when they made the saying of the Prophet , "Because it is a bone," a reason to prohibit any bone from using in slaughtering, to then also make the saying of the Prophet , "As for the nail, it is a knife from <code>habashah</code>," a preventative for using any knives from <code>habashah</code> while this is something none of them say. They instead limit it to the point of prohibiting slaughtering with the nail only. If they would for the teeth not include any bone other than teeth then it would be better for them. But this is how <code>ahl ul-khaṭa</code> contradicts.

As for the companions of Mālik and Abū Ḥanīfah, while they had exaggerated in *qiyās* over *nuṣūṣ* in many of their statements, they here in this case abandon *qiyās* completely and allow slaughtering with any bone, but are very wrong as they also allow using any teeth as long as it flows blood and limit the prohibition on teeth that do not flow the blood they also allow using any nail as long as it can break, this is wrong from them and a deficiency in in their method.

Allāh says, "These are the limits (rulings) of Allāh, so do not transgress them. And whoever transgresses the limits of Allāh - it is those who are the wrongdoers" [2:229]. If *ta 'līl* would ever be the truth then whatever Allāh or his Messenger state as a reason would be more correct without any doubt from anyone with the least amount of intellect than an *'illah qa'isūn* use without any evidence.

What is correct is that any tooth and any nail is not allowed to be used for slaughtering whether they flow the blood or if they do not. Whatever is other than them from bones and *ḥabashi* knives are all allowed to be used for any slaughtering.

If they say, "But an  $ijm\bar{a}$ " is what prevents us from using the ta"  $l\bar{l}l$  on prohibiting habashi knives."

We say: And there is  $ijm\bar{a}$  on the correctness of our view and on the invalidity of ta ' $l\bar{l}l$  and that we must not transgress by using  $man s\bar{u}s$  reasons to use that for what is not from  $nu s\bar{u}s$ . If ta ' $l\bar{l}l$  would ever be true then it would not be possible for there to exist  $ijm\bar{a}$ ' on its opposite.

And after that we ask them the exact same questions we asked them about *qiyās*, "Who is the one that ruled it as your position, Allāh and His Messenger or something other than Allāh and his Messenger?" If they say, "Allāh and His Messenger," It is said: Show us where Allāh or His Messenger have said that this *'illah* which you claim is indeed general, and never will they ever present it, had it been the case that the Prophet indeed had made that reason

itself a general ruling, it would have been general without any doubt. But since the Prophet sonly mentioned a reason for that ruling, it becomes nothing more than a reason for that ruling alone.

Then everything else applies here in the exact same manner as qiyās, as using an 'illah to create a ruling is qiyās especially since their 'ilal are all different and are all mere claims without any certain evidence. It is from that which is impossible that Allāh makes in his religion rulings that contradict each other in the exact same issue, while Allāh says, "If it would be from other than Allāh, they would find many differences" [4:82]. And Allāh says, "[We sent] messengers as bringers of good tidings and warners so that mankind will have no argument (hujjah) against Allāh after the messengers" [4:165]. Allāh says, "What is there after the truth, except misguidance" [10:32]. And Allāh says, "Do not be like those who differed and divided" [3:105]. And Allāh says, "And do not dispute with one another" [8:46]. No one is ever able to know the 'illah of a prohibition, permissibility, or an obligation except if Allāh and his Messenger tell us about it. Otherwise the one claiming an 'illah says nothing but with conjecture, something that Allah and his messenger did not say which is absolutely false, Allah has prohibited this, he said, "The things that my Lord has indeed forbidden are... And saying things about Allāh of which you have no knowledge" [7:33]. So ta 'līl which they claim with their desires which Allah and his Messenger did not say which is obligatory to obey are all lies without any doubt. The first time sin Allāh was ever disobeyed with in this world is ta 'līl of the orders of Allāh without nusūs, abandoning following the apparent and transgressing away by changing orders into others. That is the saying of Allāh about his enemy Iblīs, that he said to Ādam, "Your Lord did not forbid you this tree except that you become angels or become of the immortal" [7:20]. Iblīs the cursed, made up an 'illah for the prohibition of Allāh from eating from the tree and changed with that the order of Allāh from its apparent, all of this is the exact same as ta 'līl they use and we seek refuge in Allāh from this. It is also sufficient for the falsehood of ta'līl that none of the  $s\bar{a}h\bar{a}bah$  ever said a word about it, saying it is going against the their ijmā'.

It is narrated on the authority of Anas, "Once we waited for the Prophet ätill it was midnight or about midnight. He came and led the prayer, and after finishing it, he addressed us and said, 'All the people prayed and then slept and you had been in prayer as long as you were waiting for it."

<sup>474</sup> Sahīh Al-Bukhārī 575, 1/216



The Prophet made waiting for the prayer, to be the same as being in prayer and made waiting for the prayer to be a choice for delaying 'atamah (the 'ishā' prayer). So as long as someone waits for 'atamah prayer which is the 'ishā' prayer, he is in prayer. According to their method this would apply for prayers other than 'atamah prayer such as 'aṣr and maghrib. They do not apply this 'illah for the choice of delaying 'aṣr and maghrib, this indicates that they have clearly abandoned their method.

So as it is the case that a mentioned 'illah cannot be a thing that in of itself must be used for any case other than where it is mentioned in, then those who created this method are all mistaken and this method being false becomes apparent as it cannot be as they acknowledge themselves be something that can be applied for every other case.

The Prophet also said, "When any of you prays facing something which conceals him from people and someone wishes to pass in front of him, he should turn away; but if he refuses to go, he should turn him away forcibly, for he is a satan."

The Prophet clearly made the reason for the ruling of anyone that passes in front of the one praying using a *sutrah* that they are a satan. And it is from their method then to apply the ruling of killing to anyone human that is also a satan.

The Prophet also said, "A woman advances in the form of a satan and retires in the form of a satan."

Abū Hurayrah said, "The Messenger of Allāh saw a man pursuing a pigeon, the Prophet said, 'A satan is pursuing a female satan." 477

The Prophet also said, "A single rider (traveler on an animal) is a devil and a pair of riders are a pair of devils, but three are a company of rider."

According to them their ruling is all the spilling of blood, otherwise they have abandoned their method.

The Prophet also said about *istiḥāḍah* blood, "It is only an '*irq* (vein)." He explicitly explained that menstrual blood is black and easily recognizable. If, based on *qiyās*, you conclude that red, yellow, and brown blood must have the same ruling as black blood and all categorized as menstrual blood, then it

Şaijili İvi

<sup>&</sup>lt;sup>475</sup> Sahīh Muslim 505

 <sup>&</sup>lt;sup>476</sup> Şaḥīḥ Muslim 1404
 <sup>477</sup> Sunan Abī Dāwūd 4940

<sup>478</sup> Sunan Abī Dāwūd 2607

implies that the same  $qiy\bar{a}s$  must be applied to every vein that releases blood from a woman's body, like nosebleeds and wounds, similar to  $istih\bar{a}dah$ . Otherwise, you contradict your own method and abandon  $qiy\bar{a}s$ .

It is evident to anyone with even a basic level of intellect that if *qiyās* were to hold true, a bleeding vein would be more analogous to another bleeding vein than the *qiyās* of prohibiting selling oysters and chestnuts based on the prohibition of selling wheat and dates for more. Some *ḥanafiyyah*, have indeed implemented this reasoning. Since they require *wuḍū'* to be broken due to any bleeding vein because of the *mustaḥāḍahs* vein, it then becomes obligatory to apply the same principle for *ghusl* as it is obligated for the *mustaḥāḍah*. There is no escaping the necessity of this conclusion.

A group among them who do not fear Allāh say that which is worse than this and they say, "The Prophet sorders with an order and says what is not allowed, but he says it for another reason for what he wants."

They also say, "This is the same as when the Prophet said, 'I thought of giving orders for firewood to be collected. And then he mentioned burning the houses of those who do not pray in congregations.' This act of burning is something that is not allowed. He only mentioned it to indicate the severity harsh, not that he wanted that to be carried out."

They also say, "The order of the Prophet to wash the vessel a dog licked seven times is not obligation it is only an action of him to warn the people of taking dogs as they would harm the *muhājirīn*. And also when the Prophet ordered a poor man to pray two *rak'ahs* during the *khuṭbah* of the Prophet on *jumu'ah*. And also when the Prophet on *jumu'ah*. And also when the Prophet also ordered *fakh* of the prophet of the prophet ordered him so that people would notice him and give charity to him. The Prophet also ordered *faskh* of *ḥajj*, which is something not allowed, it was only to show them the permissibility if *'umrah* during the months of *ḥajj*." The answer: and in this exact manner they have many mistakes. Whoever says anything like that, if he would not be excused for his ignorance and weak intellect then no one would deserve the removal of his head and his property to be taken earlier than a person who says such. Because they attribute that the Prophet orders with falsehood and attribute lies to him.

Do you really think that the Prophet would ever be unable to order others to give charity as he ordered them many times and would instead order

<sup>&</sup>lt;sup>479</sup> Sunan Al-Nasā'ī 1408, 3/106



someone to perform a  $ruk\bar{u}$  which is according to them not allowed, in order to make people notice the poor person and for that to make them give charity.

Do you really think that the  $sah\bar{a}bah$  did not know that 'umrah is in the months of hajj possible, the Prophet did 'umrah with them before that during the months hajjs two 'umrahs consecutive after three 'umrahs which he could not complete, 'umrat ul-hudaybiyyah, 'umrat ul-qadā' and his 'umrah from al-ji'irrānah after the conquest of Makkah and all of them were during the months of hajj, before hajjat ul-wadā'. These are some of the many examples of it being possible to perform 'umrah during the months of hajj, it is not because of false ta ' $l\bar{\imath}l$ . There is also many orders narrated of the Prophet to perform 'umrah during the months of hajj and he also himself with his wives and many  $s\bar{\imath}ah\bar{\imath}abah$  did 'umrah after conquest of Makkah. These are all sufficient to conclude for 'umrah being in the months of hajj. And yet they indulge in what is not allowed at all and attribute lies to the Prophet.

It is narrated on the authority of Ma'mar said, "I said to 'Ubaydullah Ibn 'Umar said, 'Do you know if the Prophet applied retaliation on the one taking fifty oaths (for the issue of *qasāmah*)?' He said, 'No [he did not].' I said, 'What about Abū Bakr?' He said, 'Also not.' I said, 'What about 'Umar?' He said, 'No.' I said, 'For what is the person then taking oaths for?' He said, 'I said that to Mālik and he had said, 'The orders of the Prophet are not abandoned because of deceptions.'"<sup>480</sup>

This is the truth which is not allowed to oppose by anyone and this is also the method of the *a'immah*. Then from them appeared mistakes which no fallible human is saved from after the Prophet  $\stackrel{\text{\tiny{de}}}{=}$ , and yet those *muqallidūn* perform  $taql\bar{\iota}d$  of their mistakes. They disobey who they perform  $taql\bar{\iota}d$  of in reality: not to understand the order of the Prophet  $\stackrel{\text{\tiny{de}}}{=}$  by deceptions.

If they mention  $\frac{1}{5}ahab$  performing  $\frac{1}{5}wisal$  (extended fasting). We say: The Prophet also prohibited them from performing  $\frac{1}{5}wisal$ . It is only accepted from the Prophet as it is only allowed for him. The Prophet said regarding it, I am not like any of you, if I sleep, Allah feeds me and gives me drink.

<sup>&</sup>lt;sup>480</sup> Al-Muṣannaf by 'Abd Al-Razzāq 18276, 10/37

<sup>&</sup>lt;sup>481</sup> Muwatta' Mālik 831



It is a punishment for them to do extended fasting, not anything rewardful as it is prohibited. It is allowed for the *imām* to prevent a person from eating for one day as long as he is certain that the time won't cause death as a *tankīl*.

We will now clarify the contradictions of the companions of 'ilal, and then the falsehood of 'ilal completely by the will of Allāh.

Those who use 'ilal use as evidence verses whose apparent indicates some rulings being because of some conditions that take place. From them is the verse where Allāh mentioned the killing of one person his own brother, from the sons of Ādam. Allāh says, "Because of that, We decreed upon the Children of Isrā'īl that whoever kills a soul unless for a soul or for corruption [done] in the land - it is as if he had slain mankind entirely. And whoever saves one - it is as if he had saved mankind entirely. And Our messengers had certainly come to them with clear proofs. Then indeed many of them, [even] after that, throughout the land, were transgressors" [5:32]

We say: This is from the greatest evidences against them, because Allāh did not oblige this except for Banū Isrā'īl only. If it would be an 'illah which is *muttaridah* as they claim then it would be obligatory on every single human. If they do say, "It is an obligation on all humans," we ask them: What do you then say about all major sinners, is that corruption on the land, or is it not corruption on the land? Nothing is a corruption except what is from the nuṣūṣ directly called corruption on the land and that is for nothing except muḥārabah only. If they say, "Major sinners are all corrupters on the land." We show them that the consumer of *khamr*, stealer, Muslims who do  $rib\bar{a}$ , eating the food of orphans, unmarried zāni, eating meat of swine, carrion and blood, the plunderer and qādhif are then all corrupters on the land and yet it is still not allowed to kill any of them, while you are the one claiming the *'illah* here. Instead the one who kills them deserves retaliation, so they have invalidated their method if they claim that the mentioned verse applies to us because in that verse there is mention of killing every single corrupter on the land.

If they say nothing from major sins is corruption on land except for almuḥārabah. We then show them that a married  $z\bar{a}ni$  is killed while it is not corruption, their method of 'illah is then completely invalidated. Because in the verse there is mention that no one is killed except for retaliation or for corruption. A married  $z\bar{a}ni$  did not kill a soul and did also not spread corruption, while he still must be killed while the one that kills him is not like someone that kills all of mankind.

If they say, "The married  $z\bar{a}ni$ , intercourse with the woman of the father, apostasy, consuming *khamr* a fourth time after having been lashed thrice are all corruption and anything other than these are not corruption on the land." If they claim this they argue with not a single evidence because the Prophet made an old  $z\bar{a}ni$  who had intercourse with his neighbor whose man is a *mujāhid* in the cause of Allāh a worse sin than other  $zun\bar{a}t$  whether they are married or if they are not married, except that the non married is in any case not killed even if it is worse in sin than some married  $zun\bar{a}t$  in certain cases. The married  $zun\bar{a}t$  are in any case always killed.

And also this saying of them invalidates their method in 'ilal, as nothing is an 'illah except where Allāh states it to be and they still say, "A major sin is not corruption except where Allāh stated it to be and wherever Allāh ordered the killing of a person." With this their method of using an 'illah wherever it is found becomes invalid from the *nusūs*. While this is exactly our method except that we do not call it 'illah or sabab. Because no nusūs has ever come with that naming. If there is nothing between us except for the naming then the ikhtilāf is uplifted. We only are against them using their method with that name. Allah says, "They said 'to one another', 'Do not march forth in the heat. Say, 'O Prophet,', 'The Fire of Hell is far hotter!" [9:81]. This verse is sufficient for the invalidity of all 'ilal because Allāh said that jahannam is of heat and that the world is also of heat then Allāh differentiated their rulings and ordered them to be patient on the heat of the world and rejected them not going forth on the world and ordered them at the same time to distance themselves from the heat of *jahannam* and to not be patient with that ever.

They also mention the verse, "So when Zaid had accomplished his desire from her (divorced her), We gave her to you in marriage, so that (in future) there may be no difficulty to the believers in respect of (the marriage of) the wives of their adopted sons" [33:37].

We say: There is no evidence in this for them, because it is only *naṣṣ* in this that as the Prophet married the woman of Zayd, while he had already adopted him before, and at the same time we are ordered to follow the Prophet in permitting and prohibiting, his marriage with her implies permissibility of marrying the ex-wives of the adopted sons. Before prophethood, the Prophet had adopted Zayd Ibn Ḥārithah, this is exactly what we say. If this would indicate *'illah* as they claim then it would be necessary on them to marry the ex-wives of their adopted sons. Since they do not oblige that

without difference of opinion, their assumptions are invalidated that Allāh marrying the Prophet with Zaynab is an 'illah. There is instead clear  $nu s \bar{u} s$  for obligating  $tah l \bar{l} l$  what Allāh has allowed for her Messenger only.

They also use the verse where Allāh says, "What Allāh gave as booty (fay') to His Messenger from the people of the townships - it is for Allāh, His Messenger, the kindred, the orphans, the poor, and the wayfarer, in order that it may not become a fortune used by the rich among you" [59:7].

We say: This is only just as it is mentioned without any additions to it. Because we know that there is many wealth that was not divided in the division which is mentioned in the verse. They are instead distributed in various manners, whether the 'illah is present or not. So if it would be the case that the division mentioned in the verse is only so that it won't become a fortune used by the rich then that 'illah would be used for other properties such as ghanīmah and others which is never the case, so what they argue with this verse is then false and everything is then false except that Allāh only willed this for fay' which comes from that which the Muslims used no expedition, cavalry or camelry for so that in that case specifically for fay does not become a fortune used by the rich. The ruling in this case must not be transgressed and be applied for other cases.

They also mention the verse, "So that mankind will have no argument against Allāh after the messengers" [4:165].

There is no evidence in this for them because there has never been a case ever of an argument existing against Allāh, not before the Messengers and also not after. Instead With Allāh is the perfect proof and argument. Allāh says, "He cannot be questioned as to what He does, but they will be questioned" [21:23]. Allāh also said, "In order that you may warn a people whose forefathers were not warned, so they are heedless" [36:6].

They also mention the verse, "[By] that We recompensed them for their transgression ( $bagh\bar{\imath}$ )" [6:146]. We say: There is no evidence in this for them, it is instead an evidence against them because Allāh stated in the verse that he recompensed them for their transgression with types of punishments that soon took place on earth, from swallowing, a thunderous blast, stoning and others. If transgression would be an 'illah' for the occurrence of recompense then it would be necessary and obligatory for there to exist a recompense for the bughāt from the Muslims of our time and from the nations before us, after those punished in the verse.

We also witness that there are infidels around our time who are like  $bugh\bar{a}t$  from other times. At the same time we also have from the Muslims ahl ul- $bagh\bar{t}$  who are similar to the  $bugh\bar{a}t$  of other times. There are those who demand more than its actual value deceivingly and there are those among the Muslims of our time practicing acts of the people of  $l\bar{u}t$ . There are also those who perform clear kufr. Just as some of these were done by the other nations.

And none of the Muslims of our time and the infidels were recompensed the same way as those mentioned in the verses of other times. Since we know that, we know that  $bagh\bar{i}$  is not an 'illah for the occurrence of recompense like the recompense of the previous nations. Because an 'illah is a thing that is muttaridah forever, it is something that never transgresses ever and instead always goes along consistently, otherwise it is not an 'illah. It is then only correct to say that baghī from them was a specific sabab for their recompense and it is false to claim that it is a sabab for other than them so that anyone after them receives the same recompense, this is false and does not happen. Our method is then that  $asb\bar{a}b$  must not be transgressed ever from the places Allāh or his Messenger # placed them in themselves. It is not something that becomes necessary to occur for every single case, which is a contradictory claim and brings conclusions which are rejected by every single one of them as mentioned before. Since it is not something that can be applied in every single case, even according to themselves, it is something that is not necessary and not obligatory at the very least and with every single thing we clarified it becomes prohibited to apply this method as it is attributing lies to Allāh and His Messenger #. It is also not a sabab which becomes obligatory to be applied only in some cases leaving out every single case, this is against the meaning of 'illah, and is even more false. So all of their methods become invalid without any doubt.

Now it is evident that there are valid  $asb\bar{a}b$  which is different from the false  $asb\bar{a}b$  which they claim in rulings, applying it is nothing but an attribution of lies without any certain evidence.

They also mention the verse, "So they destroyed their houses by their [own] hands and the hands of the believers. Then take admonition, O you with eyes (to see)" [59:2].

And they mention the verse in the same chapter, "This is because they opposed Allāh and His Messenger." [59:4].

There is no evidence in any of these for them. Because  $muh\bar{a}rib\bar{u}n$  of our time and  $ahl\ ul\text{-}ilh\bar{a}d$ , they oppose Allāh and his Messenger  $\stackrel{\text{def}}{=}$  and the same

for atheists and the people of the book of our time and their houses are not destroyed by their hands and also not the hands of the Muslims, they do not destroy it but instead build it. It is then known without doubt that opposition to Allāh and his Messenger is not an *'illah* for there to occur destruction of houses and also not a *sabab* for houses to be destroyed, it is only a *sabab* for those mentioned in that verse only because of their opposition. If Allāh mentions a matter with a *sabab* for a ruling then that is affirmed only for that place the *sabab* is not used for any other issue.

They also mention the verse, "Satan only wants to cause between you animosity and hatred through intoxicants and gambling and to avert you from the remembrance of Allāh and from prayer. So will you not desist?" [5:91].

They say, "These are from the 'ilal for the prohibition for these and staying away for them."

There is no evidence for them in any of this for many reasons.

Firstly earning money and other matters avert from the remembrance of Allāh and also the prayer and causes animosity and hatred, while it is not prohibited. the Prophet said, "By Allāh, it is not poverty that I fear for you, but I fear that this world will be opened up with its wealth for you as it was opened to those before you; and you vie with one another over it as they did and eventually it will ruin you as it ruined them."

This is exactly as we say, gaining money itself is not prohibited, as for when it includes what is prohibited with it then it does. And also gambling was something very well known to occur before it became prohibited, it would even before it was prohibited as well cause animosity and hatred with very little benefit. And also a very little amount of it has no mention in the verse, as a very little amount does not cause hatred and animosity. We also find many people to cry as they are intoxicated and remember the hereafter and death often and fear *jahannam* and praise Allāh. And they often make *tawbah* for their sins, many of them also stop consuming it believe in its dangers.

As this is all established, it is then true that Allāh did not make the will of satan as mentioned in the verse a *sabab* for its prohibition ever. Allāh instead prohibited it as he willed. *Khamr* was *ḥalāl* for sixteen years during Islām, the upright consumed it with the Prophet all aware about it and he never reject it. If what Allāh said about it averting from remembrance of Allāh and prayers and satan causing hatred and animosity would be an *'illah* for

<sup>&</sup>lt;sup>482</sup> Sunan Ibn Mājah 3996, 5/133

prohibition, then we would not ever find anything going along with that *'illah* except that it would always be a prohibited. Because *khamr* is never ceased being intoxicating and satan never ceased wanting to cause animosity and hatred between us and *khamr* was *ḥalāl* still with these attributes. It then becomes false for intoxication to be the *'illah* for prohibition, not even a *sabab*. Not after the time it was revealed and also not before it at all. Because when Allāh says, "Satan only wants to cause between you animosity and hatred through intoxicants and gambling" [5:91].

Allāh only told about the evil thoughts of satan regarding us only. Allāh did not say ever that what satan wants is an *'illah* for the prohibition of something and also not a *sabab*. It is not allowed for anyone to say anything regarding Allāh that which he did not say himself and also not his Messenger

Whatever satan wants from causing animosity and hatred between the Muslims about *khamr* and gambling is only for after the prohibition and that specific prohibition only, because the one consuming *khamr* after the prohibition is averting himself from the remembrance of Allāh and from prayer being against the upright.

They also mention verse, "For wrongdoing on the part of the Jews, We made prohibited for them the good which had been lawful to them" [4:160].

There is no evidence in this for them because we also do wrong from the beginning of the day till the end of the day, and because of the good we had did not become prohibited. Wrongdoing is then not an *'illah* to prohibit the good food. As for  $asb\bar{a}b$  it is also not a sabab except in this verse alone.

They also mention the verse, "In order that the people of the Scripture (Jews and Christians) may arrive at a certainty [that this Qur'ān is the truth as" [74:31].

We say: This is against them because the mentioned ruling does not necessitate all people of the book to arrive at certainty, there is instead among them those who are not certain, and there are those who insist on doubting and continue lying and continue their *shirk*, if it would be an '*illah* for their certainty then we would not find anyone that is not certain.

They also use mention the verse, "So take off your shoes; for you are in the sacred valley, Ṭuwā" [20:12]

There is no evidence for them in any of this, because if being at the sacred valley of Ṭuwā would imply the 'illah of taking off the shoes or if it would be a sabab then it would be obligatory on us as well to take off our shoes at the

sacred valley, Tuwā and at the  $har\bar{a}m$ . Since we are not obliged any of it without any difference of opinion, then our method that if Allāh makes a matter a sabab for a ruling for a certain issues, it becomes not a sabab except for where Allāh mentioned or his Messenger parameter placed that sabab.

This is everything they mention regarding 'ilal from the Qur'ān we will now mention it from the *sunan*, by the will of Allāh.

From the *sunan* they that the Prophet said, "I only prohibited you because of the people who were coming to you (for them to benefit from it), now eat, give charity and store it."

The most deserving people to be ashamed of themselves before Allāh by using this narration for their method, are *ahl ul-qiyās*. Because they invalidate the *sabab* which they consider an *'illah* in the exact place it got placed by the Prophet. They also do not use *qiyās* over this *'illah* anything, yes, they also do not use it for the exact same case is mentioned in the narration. They instead disobey it and allow storing sacrificial meat however anyone wants, even if there are people coming. Does the one that invalidates the words of the Prophet regarding the prohibition of storing when people coming for more than three days, allowing opposition it, not feel any shame to use he disobeys and to then also use it as evidence for a false method of affirming *'ilal* and that the sale of almonds for almonds at a later date is not allowed? This is indeed a corrupt creation, the result from many evils, including ignorance, lack of modesty, lack of piety, excessive nervousness, indifference to truth, severe oppression, lack of advice, and weakness of mind. We seek refuge in Allāh from all of this.

As for us, we say that the Prophet made a *sabab* for the prohibition of storing sacrificial meat for more than three days if there are people coming at the sacrifice, whenever this is the case it is prohibited to store the meat for more than three days, if there is no people coming up at the sacrifice then anyone can store the meat however they wish, obeying the command of the Prophet which nothing abrogated, our view is also that of Alī Ibn Abī Ṭālib and Abdullah Ibn 'Umar.

They also mention the narration where the Prophet said, "Allāh has prescribed seeking permission because of protection against glance."

<sup>&</sup>lt;sup>483</sup> Sunan Abī Dāwūd 2821

<sup>&</sup>lt;sup>484</sup> Sahīh Muslim 2156, 3/1698



This goes along with our view because we do not reject the possibility of  $nus\bar{u}s$  stating certain reasons mentioned for the existence of certain  $ahk\bar{a}m$ . What we reject is transgressing those limits set, to others by placing those  $ahk\bar{a}m$  where it does not belong, for which there is no  $nus\bar{u}s$  for. And innovating reasons which are not from the words of Allāh and His Messenger. There are also other narrations narrated, the Prophet said, "He who looks into the house of people without their consent, it is permissible for them to put out his eyes." 485

There is also no evidence in the narration for them because they are the most disobedient to the narration, most of *ahl ul-qiyās* oppose what is in this narration, because the one that looks in the house of the other and the one looked at breaking the eyes of the one looking, there is nothing on him, they oppose this, they oppose retaliation against the one breaking the eyes.<sup>486</sup>

It is never understood from this narration, the prohibition of selling one kilograms of walnuts for one kilograms of walnuts at a specified date. This proves how false their method is as none of these narrations ever indicate that it is obligatory or even permissible to move a reason to anywhere other than the rulings it came with to create new rulings oneself. We do not reject nuṣūṣ of the Prophet ever including when he gives an 'illah for a ruling, then we affirm that 'illah for that ruling. As for what their method, we do not accept any of it. Allāh says, "[We sent] messengers as bringers of good tidings and warners so that mankind will have no argument (hujjah) against Allāh after the messengers" [4:165]. What the Prophet ruled here is the truth that cannot ever be opposed.

As for everything else that comes from them, it is merely transgressing the limits of Allāh and ruling what Allāh and his Messenger did not rule with, which is all false. In order to know the *'illah* of anything it needs to be informed by Allāh and his Messenger and the Prophet said, "By Allāh I am the most knowledgeable about Allāh than them." And those who believe in *ta 'līl*, they are not any different from the one that says, "When Allāh cuts the hand of the stealer we cut other than the hand of the stealer." And like this for all other *'ilal*, there is in this sufficiency.

<sup>486</sup> Nayl Al-Awtār Sharh Muntaga Al-Akhbār 7/35

<sup>&</sup>lt;sup>485</sup> Musnad Ahmad 7605

<sup>&</sup>lt;sup>487</sup> Sahīh Al-Bukhārī 5750



They also say, "The husband who does  $zih\bar{a}r$  to his wife, saying, "You are to me like the back of my mother," because such a saying *munkar* and a  $z\bar{u}r$ , it becomes an 'illah for kaff $\bar{a}rah$ .

They invalidate their exact *ta* '*līl*' here and acknowledge that if a woman says to her husband, "You are like the back of my mother," that there is then no *kaffārah* is obliging on her.

Allāh says, "Neither has He made your wive whom you declare to be like your mothers backs, your real mothers. Nor has He made your adopted sons your real sons. That is but your saying with your mouths. But Allāh says the truth" [33:4].

Allāh made what a man says to his wife, "You are to me like the back of my mother," the same as claiming adopted sons to be the real sons and he did not oblige *kaffārah* for both of them, but instead only in one. It is then established that matters having a similarity do not imply them to be similar in ruling, so their sayings about *ta 'līl* are all false as the *'illah* which they claim did not apply in another ruling which is of the exact same attribute and there is no *kaffārah* on both, only one. This is one of the many indication on the absolute falsehood of their method.

Some of the  $fuqah\bar{a}$ ' have even obliged  $kaff\bar{a}rah$  on the woman if she is the one doing  $zih\bar{a}r$  of her husband, the same as  $zih\bar{a}r$  if the husband does it of his wife. Especially if they falsely claim  $ijm\bar{a}$ ' that the one slandering a man of fornication is lashed eighty times because of  $qiy\bar{a}s$  from the ruling of men, where is that  $ijm\bar{a}$ ' here?

This is everything they have to mention from the *sunan*. The conclusion is that everything Allāh and his Messenger  $\stackrel{\text{def}}{=}$  have mentioned then it is the truth and everything they add on to it with their Ra  $\tilde{\iota}$ , which is anything other than Qur  $\tilde{\iota}$  and *sunnah* then it is false and fabricated lie.

They are the exact same as the one that says, "When Allāh prohibits, or obliges a matter as he wants, then I also oblige as I want, because Allāh prohibits and obliges so I can do it too."

It is authentic from the Prophet ## that he said about the prohibition of praying when the sun rises and when it sets, "Pray the <code>subh</code> Prayer, then stop praying when the sun is rising till it is fully up, for when it rises it comes up between the horns of the devil, and the infidels prostrate themselves to it at that time. Pray the 'aṣr prayer; then cease prayer till the sun sets, for it sets between the horns of the devil, and at that time the infidels prostrate



themselves to it."488

And for praying during the time the sun reaches it zenith and it being prohibited till it moves away from the zenith, the Prophet said, "Until the sun is directly overhead at midday, and that is the time when the gates of Hell are opened and it is stoked up. So do not pray until the shadows appear."

If this from the apparent would be Ra  $\bar{\imath}$  and  $i\hbar tiy\bar{a}t$  then praying at those times would be better and earlier, and an opposition to the infidels. Because when at those times they worship the sun while we worship Allāh alone.

This is the attribute of their method on *'ilal* which is false. It is then only correct to say that it is not allowed for anyone to perform ta *'līl* of the religion and also not allowed for anyone to say something is sabab for a certain ruling except if there is  $nus\bar{u}s$  for a sabab being for a ruling.

And not every single thing that seems like an 'illah is an 'illah, we previously clarified the exact meanings of 'ilal and are of no need to repeat. We will here present examples to make clear when exactly something is an 'illah in verses and narrations. The narration that Ibn 'Abbās said, 'A woman from the tribe of Juhainah came to the Prophet and said, 'My mother had vowed to perform hajj, but she died before fulfilling her vow. Must I perform hajj on her behalf? The Prophet said, 'Yes perform hajj on her behalf. Had there been a debt on your mother, would you have paid it or not? So, pay off the debt of Allāh, for He is most deserving of settlement of His debt'' 490

The obligation to pay off the debts of Allāh in this narration is not made a reason tied to performing *ḥajj* on behalf of the mother. The obligation to pay off the debts of Allāh remain general and not for *hajj* alone,

The verse where Allāh says, "What Allāh gave as booty (*fay*') to His Messenger from the people of the townships - it is for Allāh, His Messenger, the kindred, the orphans, the poor, and the wayfarer, in order that wealth should not circulate among those of you who are rich" [59:7].

In this verse it is made a clear reason, so this verse alone does not indicate in of itself that no wealth may ever in general may circulate among those among us who are rich, this reason remains tied to the ruling mentioned in the verse.

<sup>&</sup>lt;sup>488</sup> Musnad Ahmad 17019, 28/237

<sup>&</sup>lt;sup>489</sup> Sunan Ibn Mājah 1252

<sup>490</sup> Sahīh Al-Bukhārī 1852

And when the Prophet said, "[There are] three [types of persons to whom] Allāh will neither speak to them on the Day of Resurrections, nor look at them: A man who takes a false oath that he has been offered for a commodity a price greater than what he has actually been offered. And a man who takes a false oath after the 'aṣr (prayer) in order to grab the property of a Muslim through it. And a man who forbids others to use the remaining superfluous water. To such a man Allāh will say on the Day of Resurrection, 'Today I withhold My Blessings from you like you prevented [giving] a surplus which your hands did not create.'"

This is a narration with no reason attached. This is a general threat for preventing giving anything surplus.

And the narration from Anas, that he said, "Once the Prophet  $\stackrel{\text{\tiny{de}}}{=}$  delayed the 'ishā' prayer till midnight. He turned to us after the prayer and said, 'All the people slept after offering their prayers, but you did not cease being in the prayer as long as you waited" you waited the prayer as long as you waited the prayer as you waited the prayer as you waited the prayer as you wait

As for this narration there is no reason attached to the reasoned, there is also nothing reasoned mentioned, so this type of reward applies to any prayer. According to them however there is a reason attached and they oblige themselves of using that reason for other issues

And we mentioned before the verse, "And they ask you about menstruation. Say, 'It is harm, so keep away from wives" [2:222].

That this harm which is made as a reason for the reasoned which is menstruation does not in of itself apply for anything else, except that there is additional evidences that it applies also for the prohibition of anal intercourse as clarified before

And the narration of Kabshah Bint Ka'b Ibn Mālik (wife of Ibn Abū Qatāda), she said, "Abū Qatādah visited me and I poured out water for him for ablution. A cat came and drank some of it, and he tilted the vessel for it till it had had a drink. When he saw that I looked at him he asked, 'Are you surprised, my niece?' When I said that I was, he said that the Prophet said, 'It is not impure; it is only one of those [male or female] who go round among you.'"

Here it not being impure is tied to the reason that they are those who go around among us and this reason does not apply for anything other than cats.

<sup>491</sup> Sahīh Al-Bukhārī 7446

<sup>492</sup> Sahīh Al-Bukhārī 847



Some of them argue for obliging the method of 'ilal and that  $ahk\bar{a}m$  are only with 'ilal because words are derived from one another in the language.

Ishtiq $\bar{a}q$  is attributing one word to another because they have the basic letters in common and share the same meaning. This is one of the ways to distinguish fact from allegory. It means derivation which is to form a word or more from another word such that the original word implies the derived word and is indicative of it; for example the word  $rub\bar{u}biyyah$  (lordship), it is derived from the noun rabb (lord). So the noun rabb, implies  $rub\bar{u}biyyah$  and more. The same applies to all of Allāh's beautiful Names, such as Al-' $Al\bar{u}m$ , Al- $Rah\bar{u}m$ , and others. There are four kinds of  $ishtiq\bar{u}q$ . First is  $\bar{s}agh\bar{u}r$  (small): when there is a word is derived from another word by changing its form while retaining a correlation in meaning and the radicals (root consonants) of the original word in the same order, for example the verb daraba (beat) is derived from darb (beating).

Second is  $kab\bar{\imath}r$  (big): when there is a correlation between the two words in meaning and the radicals are retained but not in the same order; for example hamida (praised) is derived from madh (praise).

Third is *akbar* (bigger): when there is a correlation between the two words in meaning and they share only some of of the radicals and their order; for example *khariqa* (tore apart) and *kharaba* (ruined).

Fourth is  $kubb\bar{a}r$  (biggest) or naht (coining): where a new word is coined from letters taken from two words or more, for example, basmala means saying bismillah.

So they claim that words are *mushtaqqah* in the language.

We say: Even if this would be true then there would be no evidence for them in that as there is no *sabab* in *ishtiqāq* that links affirming '*ilal* in the  $ahk\bar{a}m$ , then how when it is all false as well.

Correct *ishtiqāq* is only creating new words from an attribute from the like of it. Like naming *abyaḍ* from the word *bayāḍ*, and *muṣalla* from *ṣalāh* and *fāsiq* from *fisq* and anything that is similar to that. None of this obliges naming *abyaḍ* (white) that which has no *bayāḍ* (whiteness) in it. And it also does not imply calling a *muṣalli* (praying person), if he does not pray, and also not a *fāsiq* if he does no *fisq*. There is not a single thing in this that indicates anything of *qiyās*. It also is not anywhere near the saying of wheat being prohibited to sell for more or less wheat because of the reason it being something edible, or because of it being measurable or because of being able

to store it. There is absolutely no relation of correct *ishtiqāq* to any of their method on '*ilal*.

Everything other than what we mentioned about  $ishtiq\bar{a}q$  is false and that is to say that every word has an 'ilm, that every word has a type, manner or attribute. Every single  $ishtiq\bar{a}q$  in those manners are false.

Such as when they say, "Horses are only called *khayl* because of them having *khuyalā*' (pride). *Bāzi* (falcon) is forceful (*bāziyan*) because of its ascending. *Qārūrah* (bottle), is called *qārūrah* because of something settling in it. *Khābiyah* (vat, barrel) is called *khābiyah* because of what is hidden (*takhabba*) in it."

We say: This method is false and it implies matters which it cannot free itself from no matter what. Firstly: You must call your head  $kh\bar{a}biyah$  because your brain is hidden in it ( $makhb\bar{u}$ '). And to call the earth  $kh\bar{a}biyah$  because of it hiding everything that is hidden in it. And to call your nose  $b\bar{a}ziyan$  because of its length and to call the heavens and clouds  $b\bar{a}ziyan$  because of them being ascended. And to call a mountain and a castle  $b\bar{a}ziyan$  because of their enormous height. And to call your stomach  $q\bar{a}r\bar{u}rah$  because of your intestines being settled in them. And to call a well a  $q\bar{a}r\bar{u}rah$  because of water being settled in it. And to call people that have pride 'horses' because of them having pride. Whoever believes in this I among those who have deficiency in proper thinking.

Secondly: If you derive horses from *khuyalā*' or *qārūrah* from *istqirār* (settling) or *khābiyah* from hiding (*khab*'). Then where did you derive *khuyalā*', *istqirār* and *khab*' from? This implies an endless circle which there is no escape from and that is that everything is derived from another. This is insanity to the core; this is creating things to which there is no beginning for and also no end for. This is *kufr* as it indicates everything existing for eternity, while it is *kufr* it is at the same time also something impossible and false. While this method of *ishtiqāq* is false without any doubt as clarified, the ones who believe in it never ever brought any evidence for this false method.

And also the one that claims that horses are *mushtaqqah* (derived) from *khuyalā*, his false claim is not earlier or precedes the claim of the one who says, "Rather *khuyalā*' is derived from horses," there is no difference between the two and they are both false with not a single trace for evidence.

There has been established certain evidence on the falsehood of this method, because there does not exist any *khuyalā*' except when there are horses available and none of them ever existed before the other, from this and

what we mentioned before this method has become invalid. If what they say would be true then a lion or tiger would deserve earlier to be called a horse because they have more *khuyalā*' than a horse. And an eagle would be more deserving to be *buzāt* than hawks or falcons because they can go higher and faster than them. And also bottles, this word must be preceded by perfume boxes.

This invalidates every single thing related to their method. Every single thing we mentioned about *ishtiqāq* is also the view that if Abū 'Ubaydah Ḥassān Ibn Mālik the *lughawi* may Allāh have mercy on him, he was the utmost knowledgeable in the Arabic language.

They also say, "We find that juice can be mixed with others, which can be called *khamr* while it is still *ḥalāl*, if the mix becomes strong then it becomes *ḥarām khamr*. If the strongness of it is gone it is then not called *khamr* anymore, but called vinegar. We then know that the *'illah* is *ḥarām*, and it becoming *ḥarām* because of its reason, and that is what caused it to be *khamr*, which is the strongness."

This is absolutely false, where do you get it from that this strongness which you claim means  $kh\bar{a}$ ,  $m\bar{\imath}m$  and  $r\bar{a}$ . There must be for every essence various attributes, all completely different from other attributes of an essence, which makes every single person understand that the word of that is not the same as another word. So that which has strongness must have a different word from that which does not have strongness, this is to make people understand the meanings of the words that is being told, otherwise no one would understand anything, this is the exact same for every single thing that exists, except what a language fails to encompass, or if its people fail to do it. As Allāh willed it to be.

The first to speak the Arabic language was Ismā'īl while *khamr* was something known before the existence of Ismā'īl on earth. Because *khamr* is from the words Allāh taught its names to Ādam. Allāh says, "And He taught Ādam all the names (of everything)" [2:31]. Allāh said that in general, without any word specified which he did not teach. *Khamr* was then the same as it is now, intoxicating and strong, while it was not called *khamr*, from this the falsehood they show becomes apparent. *Khamr* is defined in every language with a word other than *khamr*, their languages do not prevent that, their rulings do not change because of that nor did *khamr* because permissible for them because of its name being different according to them. We do not find anything that is called *khamr* except that it is always intoxicating at any time,



any nation and at any place except for *khamr* in *jannah*, so their claims have been invalidated.

And the Arabs have sixty-five words to define *khamr*<sup>493</sup>, we do not find any of it being compelled to be left.

They also say, "Wheat being food, prohibited if it is sold for more or less, is the 'illah for defining that as  $rib\bar{a}$ ."

This claim is not different than the claim about *khamr*, the same answer applies against them here without any difference.

They also say: The *'illah* for freeing the slave in  $zih\bar{a}r$  being a Muslim is because of the obligation of the slave being in a good state like freeing a slave for killing.

We say this is corrupt, and ruling mistakes by using mistakes and claims upon claims. Their method like this is the exact same as if 'Amr says, "Zayd owes me one *dirham*." 'Amr is asked, "Do you have evidence?"

'Amr says, "Yes." He is asked, "What is your evidence?" 'Amr says, "Because 'Umar owes me one *dirham*." He is then again asked, "What is your evidence for him owing you one Dirham?" 'Amr answers, "My evidence for that is that Zayd owes me one Dirham."

He wants to make his claim correct because of another claim he got and both are false without any trace of evidence for them. This method is not from  $ahl\ ul$ -' $uq\bar{u}l$  and also their claim that the slave which must be freed in both cases most be in a good solid state is false without a trace of evidence. How can  $qiy\bar{a}s$  be used over it cannot be except a Muslim only. Some of them said, "The 'illah of that is that it is an atonement ( $kaff\bar{a}rah$ ) of a sin."

We say: There is not on the one that kills someone by accident any sin at all. So their corrupt ta  $'l\bar{\imath}l$  has become invalid. And also this is the same as any of the claims of before, there is no evidence for it.

And what is the difference between them and the one that says, "Freeing a Muslim slave for killing is only obligatory because it is a atonement (*kaffārah*) for the killing, so anything other than killing there is no Muslim obligatory." There is no way out of this, all of these are mere claims with no evidence, and there is no way out of the one that invalidates what they affirm and affirm what they invalidate.

 $<sup>^{493}</sup>$  Tahdhīb Al-Alfāz by Ibn Sikkīt pg 211-223 | Al-Mukhaṣṣaṣ by Ibn Sīdah 11/72-81



And know that it is not possible for any of them to claim an 'illah for any aḥkām, except that it is possible for their opponents to always bring another 'illah by which he can claim that the ruling only became because of that 'illah, there is no way out from any of this, and in Allāh the Most Exalted we seek refuge in.

This is all they have caused tumult with, the falsehood of which is clarified as clear as daylight, without any ambiguity or obscurity. All praise be to Allāh, the Lord of all worlds. And now, with the help and strength of Allāh, there is none worthy of worship except Him, we proceed to invalidate the method of *'ilal* from any aspect of the religion. And it is with Allāh's guidance that success is achieved.

We say to those who say, "The  $ahk\bar{a}m$  of the  $shar\bar{\iota}'ah$  has come all with 'ilal."

We say: Tell us about these 'ilal which you believe in: is it from the actions of Allāh and from his rulings? Or is it from the actions of other than him and rulings of other than him? Or is it not from the actions of Allāh and also not from the actions other than Allāh? There is no fourth possibility.

If they say, "It is from the actions of other than Allāh and from the rulings of other than Allāh," if they hold this view they believe in a creator other than Allāh and a creator of rulings other than Allāh, and make that creator something which obliges Allāh to do that which that creator does.

And if they say, "It is not from the actions of Allāh and also not from the actions from other than Allāh," then they believe that there are matters in the creation that do not have a creator, or they are rulers above Allāh with that and that they make the <code>halāl</code>, <code>harām</code>, <code>fard</code> and judge above Allāh the Most Exalted, this is nothing but <code>kufr</code> and the method of the atheists.

If they say, "It is indeed from the actions of Allāh." We then say: Tell us about it, is it something Allāh did because of an 'illah or for something other than an 'illah? If they say, "Allāh did it because of a reason other than for an 'illah," they have departed their false method and acknowledge that Allāh does not do things for an 'illah.

It is said to them: What is that which obliges the *aḥkām* to exist because of *'ilal*, while the first actions which are the *'ilal* for the *aḥkām* are not because of *'ilal*. This is a claim without any certain evidence. If they say, "Allāh did it because of another *'ilal*," they are asked again about those *'ilal* the same way they were asked about it before and in that manner forever.

There are only two choices for them with no third to it: they either acknowledge that the actions of Allāh are done without there necessarily being an 'illah for it, and if they acknowledge this, they abandon their false method. Or they continue believing in 'ilal which leads them to the belief in actions which have no ending to them and actions that have no beginning which is kufr and a departing from the sharī'ah by ijmā' of the ummah.

May Allāh disfigure the statement that forces its speaker into such situations, it is then established that their method regarding 'ilal has become invalidated, and that our method, that Allāh Almighty does as He pleases, not for any specific 'ilal, which is indicates by the certain necessary evidences which cannot be escaped from. And success is with Allāh, the Most High.

It is also enough of an evidence that all of the  $sah\bar{a}bah$  from the first to the last one of them and every single one from the  $t\bar{a}bi\,\bar{}n$  from the first to the last of them and all followers of the  $t\bar{a}bi\,\bar{}n$  from the first to the last one of them, there is not anyone among them that ever said, "Allāh does a thing from the  $shar\bar{\imath}ah$  because of an 'illah." This is a corrupt  $bid\,ah$  that appeared from the  $shar\bar{\imath}ah$  from those who believe in  $shar\bar{\imath}ah$  that appeared from the  $shar\bar{\imath}ah$  from those who believe in ah

We do not reject the existence of  $asb\bar{a}b$  for some rulings, we instead affirm it and say by it. However we say: These  $asb\bar{a}b$  only are where Allāh or his Messenger wanted them to be at and it is not allowed for anyone to transgress by using them for any other issue, they must stay wherever they are placed from by  $nus\bar{u}s$  as clarified before.

Those who believe in that method, if it would be said to them, "Say something false on purpose," none would be able to say a thing more false than their method of 'ilal.

From that is that they make rulings from other than the words of Allāh and His Messenger . Allāh and His Messenger did not declare the *sabab* for any of the issues they falsely ruled when they moved the *sabab* there.

And when they say that the prohibition of selling wheat for more or less wheat has a *sabab* and *'illah* and that because of that *sabab* they prohibit selling steal for more or less steal, and rice for more or less rice, and convolvulus scammonia for more or less convolvulus scammonia.

And then there are many examples where the Prophet made a ruling because of a *sabab* and while it is from their methods, they still disobey the Prophet and abandon everything that is mentioned and do the exact opposite. Like when the Prophet prohibited storing sacrificial meat for more than three days because of people attending. They say, People coming



in is not a *sabab* and if it occurs it is not necessary to leave storing sacrificial meat." This is truly the opposite of the truth.

If they say, "You reject 'ilal, but you accept asbāb, what is the difference between the two?"

The answer: The difference between 'illah, sabab, 'alāmah and gharaḍ are all very clear and very apparent and none of them imply any ta ' $l\bar{l}l$  and do not necessitate any ruling with  $qiy\bar{a}s$ .

'illah is a word for every single attribute which the existence for implies another thing. 'illah is a thing that does not ever leave the ma'lūl (passive participle of 'illah), if it is something that does depart, then it is not an 'illah, which we also clarified before. 'illah is a word that necessitates something in the second word which is the ma'lūl. Such as fire existing is an 'illah of burning and ice forming because of the 'illah of freezing. The first does not ever come into existence if the second does not take place. The first also never takes place before the second ever.

As for *sabab*, it is anything done or leading to something because of a reason, it may also not be done as the person wants. Anger can be the *sabab* leading to victory. Those who won may also lose even if the *sabab* is available. A *sabab* is not something necessary for what it leads to. It is not something that has to exist for what it led to once. It may be another thing that leads to it the other time.

Gharad is the purpose for why an act is done. It becomes necessary after the act. The gharad in the example mentioned previously may be so that they can cease the anger after the act of winning. Cessation of a thing is non-existence and cessation of anger is being in a state of not being angry. Anger is the sabab for winning if it led to it. And cessation of anger may be the gharad for winning. So everything we mentioned then is different in meanings.

'Alāmah is a sign, it is an attribute which two or more humans agreed on. If one of them sees that attribute, they know what must happen, depending on what they agreed on. Like when the Prophet said to Ibn Masʿūd, "The sign that you have been permitted to come in (the house) is that the curtain is raised or that you hear me speaking quietly until I forbid you."

<sup>&</sup>lt;sup>494</sup> Sunan Ibn Mājah 139, 1/49



Raising the curtain and hearing the Prophet was made an 'alāmah for activating what comes along with it, which is the permissibility to come in the house of the Prophet .

Or when the Prophet said, "I recognize the voice of the *Ash'arīyyah* tribe when they recite the Qur'ān as they arrive during the night and I also recognize their encampment from the recital of the Qur'ān during the night time. Although I have not seen their encampments when they encamp during the day time."

Hearing the voice of the *Ash 'arīyyah* when they recite Qur'ān was an 'alāmah for the Prophet \* to know the location of their encampments.

There is another meaning for 'alāmah which is to place signs to guide people the road and signs for soldiers to know the place of their leader.

Some of them also call 'ilal 'ma'āni' (meanings). And this is very false there is no other meaning for ma'na other than it being a tafsīr (explanation) for a word. An example for ma'na is if someone says, "What is the ma'na of harām?" Then the answer to that is, "Everything which is not allowed to do." Or if it is said, "What is the meaning of farq?" Then the answer to that is, "Everything that is not allowed to abandoned." Or if it is said, "What is mīzān?" The answer is, "A tool which makes the measures clear." And whatever is similar to this is the meaning of ma'na.

And all of this does not affirm 'illah for the sharā'i' and also not qiyās. Because about 'alāmah when we get to know it, we know that it is only a thing which can be known by what it has been described as. And it becomes impossible to use that to know other matters. We mentioned that 'alāmah is a sign something knows for its description and its description then activates an additional order that comes along when that sign occurs, which is known for its descriptions. It is then false to use it for anything other than it would be the case for it to be used for other matters then it would not be an 'alāmah for what it is made.

Since all these five definitions we mentioned have all different meanings, each of them being different from the other, with each having its own limits. It becomes necessary then to use the exact meaning for the exact words and not to use one by intending the other. So that it can be understood clearly and so that it does not cause any confusion like others who mixed up the definitions of the five they mentioned to make it mean that which creates false

<sup>495</sup> Sahīh Al-Bukhārī 4232, 5/138



methods. The origin of what causes afflictions and blindness is mixing up the definitions of words.

Since we have clarified the five: 'illah, gharaḍ, sabab, 'alāmah, ma'na and all of their definitions being different, we treated and cured the sickness of ahl ul-'ilal who are ahl ul-qiyās who apply the word 'illah in the sharā'ah to mean sabab. Which brings him into beliefs which are not allowed to believe, that the sharā'i' that Allāh ordained were only for 'ilal which caused it to be ordained. Which is attributing lies to Allāh by claiming that he ordained 'ilal while he did not mention any of it and also not his Messenger. And also did not allow any of it in any general form or in any possible way.

We do not reject in any way possible that Allāh did make certain things a *sabab* for what he ordained from the *sharā'i'*. We accept and affirm that wherever it comes from *nuṣūṣ*, such as when the Prophet said, "The greatest sinner amongst the Muslims is one who asked about a matter which had not been forbidden for the Muslims and it became forbidden for them because of his persistently asking about it."

Other examples are Allāh making the *kufr* of the *kāfir* at his death a *sabab* for him to enter *jahannam* for eternity. And Allāh making death on *īmān* a *sabab* to enter *jannah* for eternity. And that stealing with certain conditions become a *sabab* for the occurance of amputation of the hand. And for slandering with certain conditions being a *sabab* forthere to occur lashing. And fornication with certain conditions fulfilled being the *sabab* for the occurrence of stoning or lashing. And like this we affirm any *sabab* as it is mentioned and reject anything that is not mentioned.

We do not say that all of the *sharā'i'* is because of  $asb\bar{a}b$ , we instead say: None of it is because of a reason unless there is naṣṣ for the sabab. Whatever is besides that it is only ordained by Allāh as he willed it to be as he does whatever he wills. As for us we do not make  $hal\bar{a}l$ ,  $har\bar{a}m$  nor oblige by claiming  $asb\bar{a}b$  which do not belong in their place and we also do not add anything and do not decrease anything from the  $nuṣu\bar{s}$  because of it.

We do not say anything except for what Allāh and His Messenger ## have said. We do not transgress it in any way possible and we do not leave out anything they have said. This is the religion which no one is allowed to oppose, there is no valid belief other than this.

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<sup>496</sup> Sahīh Muslim 2358

Allāh, the Most Exalted said, "He cannot be questioned as to what He does, while [only] they will be questioned" [21:23]. Allāh tells us about a difference between us and him alone. That there does not exist for his actions any questioning such as, 'Why?' and 'How?' Since it is not allowed for us to ask him about anything including his ahkām for anything, then all asbāb become completely false, as it is impossible to acquire that knowledge, except for what Allah and his Messenger # have said or done and mentioned the reason for it, which also that which must not be asked about. It is not allowed for anyone to ask, "Why was this sabab made for this ruling and not the other ruling?" It is also not to say, "Why was this made a sabab while the other rulings do not have the same sabab mentioned for their rulings while they seem similar?" Whoever asks such a question is sick and disobeys Allāh as he opposes the words of Allāh the Most Exalted, "He cannot be questioned as to what He does" [21:23]. Whoever asks Allāh about what he does is a sinner Allāh also said, "[Only] they will be questioned," [21:34] this is a clear clarification that it becomes obligatory to negate all 'ilal from Allāh by necessity. It becomes not allowed and impossible for anyone to ask about anything he does. We oblige the question to anyone who claims anything, "Where did you get this from?" If he clarifies that his view is exactly as Allāh or His Messenger said, we oblige obedience to it, and it is then not qivās nor an 'illah as clarified in detail. If he does not bring anything from the exact words of Allah and His Messenger regarding that which he uttered, his view is thrown to the wall, his matter is rejected, not accepted and no one is pleased with it.

This is the ruling for 'illah, gharad, sabab, 'alāmah and ma'na. We clarified them all in great detail, we have said nothing except exactly as Allāh and his messenger have said. A clarification with different words is not different if the correct meaning is understood from it. The Prophet is not only sent to Arabs only. He is sent for all mankind that exists including the people of every single language and jinn. It is then necessary for every single one to have some sort of clarification by which they can understand the apparent and intended meanings from the words of Allāh mean. We only mention this so that a  $j\bar{a}hil$  does not show up to say, "What you say is not exactly  $mans\bar{u}s$  from Qur'ān." We show the reality of how matters are understood and are supposed to be understood and the meaning of what we show is very apparent from Qur'ān and sunnah.



Know now that al-'ilal are all negated from the actions of Allāh and from all his  $ahk\bar{a}m$ , because there is no 'illah binding except who would be forced.

And know that  $asb\bar{a}b$  are also all negated from the actions of Allāh and from all his  $ahk\bar{a}m$  except what he states himself from in the  $nus\bar{u}s$  or his Messenger.

As for *gharaḍ* from the actions of Allāh, then it is not anything other than what he has said himself as well. *Gharaḍ* is sometimes to take a lesson by having *taqwa* and abstaining from falling in to sin. And sometimes it is to enter *jannah* for whoever Allāh wills to enter *jannah* or *jahannam* for whoever he wills.

Every single thing we are told about the *gharad* of Allāh from having I ' $tib\bar{a}r$ , him entering whoever he wills to jannah or jahannam and the reasons he states are all as he wills, all of these are all actions from his actions and  $ahk\bar{a}m$  from his  $ahk\bar{a}m$ . There is no sabab and no gharad from other than he mentioned himself at all, and no additional sabab or gharad, for the reaons he mentioned. Allāh says, "He cannot be questioned as to what He does" [21:23]. If it would not be the case that Allāh stated that he wanted from us I ' $tib\bar{a}r$  and him to enter jannah or jahannam whoever he wills, then we would not believe nor say it as it is supposed to be, we would believe in Allāh and remain saying exactly as he and his Messenger does, we would have absolutely no knowledge that it would be in that manner as we can only get to know about the religion only through Allāh and his Messenger It would then be a thing that he and his Messenger never mentioned. But when we with certainty that it is mentioned, so we affirm and believe in it and do not ever transgress it.

This is the reality of  $\bar{\imath}m\bar{a}n$  which is indicated by certain evidences from both hissiyyah and 'aqliyyah.

The evidences for that is that *sabab* and *gharaḍ* are either of three with no fourth to it. They are either created by Allāh, or they are uncreated by anything, or they are created by other than Allāh. Whoever says they are uncreated with no origin apostates, because he makes a thing in the heavens and earth that does never cease. And whoever says they are created by other than Allāh, apostates as well, because he makes a creator other than Allāh.

It is then established that they are creations of Allāh. There is certain evidence that everything other than Allāh is created by Allāh, It is then also known that *gharad* and *sabab* are then created by Allāh and there is now also

only two options, with no third to them. Either creating them was also due to a *sabab* or *gharaḍ*, or it was not due to another *sabab* or *gharaḍ*. If it would be the first that it being created is also due to a *sabab* or *gharaḍ* then it becomes necessary it becomes that for their creation there was another *sabab* or *gharaḍ*, and so on till the affirmation of amounts and creations that have no ending for them, and this is *kufr*.

If Allāh would make them not for a *sabab* and also not a *gharaḍ*, which is our view, then it can only with that be affirmed that Allāh made it however he wills, with there not being any follow up to his actions and *aḥkām*. Only if sates it himself only that he did it for a *gharaḍ* which he wanted or for a *sabab*, it is affirmed. As for when it is not mentioned then we are certain that Allāh did it however he wanted it to be, not bound to a *sabab* and also no *gharaḍ*, and it is a lie to affirm it in such cases. If it would not be for *nuṣūṣ* that mentioned a *sabab* and *gharaḍ* specifically it would not be ever allowed for anyone to say, "Allāh did this and this for this *sabab*," and also not allowed for anyone to claim that Allāh wanted it to be that way. Allāh says, "These are the limits (rulings) of Allāh, so do not transgress them" [2:229].

It is said to the one that believes in 'ilal and makes them attributes in matters that he finds and assumes to be similar in another matter and obliges because of that the same in ruling for both: You do not cease being contradictory using the attributes in matters which you oblige rulings with, as those attributes oblige rulings other than those which you oblige. Indeed you then invalidate the ruling of similarities between matters which your opponents use against you, you acknowledge then that there remains no meaning in obliging the same ruling because of one attribute being similar. What your opponents use against you with opposing attributes while you find similar attributes is not earlier to be followed than what you follow, they are all the same without a single difference.

An example for that from the many is that you say, "Since *nabīdh* is similar to *khamr* in strongness, it becomes obligatory to prohibit it as well because of that." While your opponents say to you, "Since intoxicating *nabīdh* is similar to juice in that it does not make the one that makes it *ḥalāl* an apostate, it must be permissible because of that." You opposed the similarity your opponents came with while they oppose the similarity you came with.

This establishes that if two matters are similar in one aspect, that it does not imply a similarity in ruling. And that if it would be obligatory to look into what is similar, then there must also be looked in to opposing aspects which



they claim is from their method, while they do not do any of it as it it is evident.

Some of them say, "The 'illah for the prohibition of selling wheat for more or less wheat is because it is something edible."

Others say, "The 'illah for it is because of it being something measurable."

And others say, "The 'illah for it is because of being able to store it."

Every single one of these are false and oppose the other and declare the other false. All of them agree with that on the invalidity of *ta 'līl* without any. An *'illah* one group claims is not more worthier than the *'illah* another group claims. Not only some of these are false, all of them are. Without any evidence.

How can someone who fears being questioned by Allāh on the Day of Judgment find it easy to come up with an *'illah* that they have never found, neither for Allāh nor His Messenger for the exact ruling they claim it in, then use it to justify their actions in religion? Indeed, attributing such excuses to Allāh falsely or to His Messenger entails lying about Allāh or making the Messenger say what he did not say. Such attribution must not be directed towards Allāh nor His Messenger. This is an invention of a religion from one's own desires, leading to destruction. We seek refuge in Allāh from both of them, and from Allāh alone comes success.

A group among them prevents  $takh \bar{s}\bar{s}$  of 'ilal, but they themselves at the same time make the 'illah for  $rib\bar{a}$  makh  $\bar{s}\bar{u}\bar{s}$  (specific) for selling dried dates for fresh dates, because of the narration about 'ar $\bar{a}va$ . <sup>497</sup>

They agree that the  $nus\bar{u}s$  invalidated their 'ilal, if it were to be valid there would be no nass invalidating it. Because the truth cannot get invalidated. It is also not possible for an authentic  $had\bar{t}th$  to invalidate another authentic  $had\bar{t}th$  except by naskh only.

If the necessary 'ilal which you claim, exist in the rulings of the religion from prohibition or permissibility, then it would never be different, just as the 'aqli never differ. Some more examples for that are that if strongness or intoxication would be an 'illah for khamr to be prohibited then khamr would be prohibited since the time Allāh created them. As khamr was since Allāh created it always severe and intoxicating. It was allowed in the begin of Islām for a very long time, while it had the exact same effects as it has its effects

<sup>497</sup> Sahīh Muslim 1538

now. There was not a single time *khamr* was not intoxicating. It becomes then false to claim that strongness is an *'illah* for its prohibition, in the same way Allāh made fire coming into existence an *'illah* of burning and any liquid vaporizing in to the sky Allāh created them that way and it is always like that unlike the false claim that strongness is an *'illah* for its prohibition. Except what Allāh specified out from the fire of Ibrāhīm. It was always that way since Allāh created *jahannam* May Allāh save us from it. Allāh says, "As often as their skins are roasted through, We shall change them for other skins that they may taste the punishment" [4:56]. They are placed under our heavy question and try to scream their way in pain out of it. Whatever is correct has not a single way out.

Some of them say, "It is only an 'illah, Wherever Allāh made it to be an 'illah."

This view implies that they have abandoned their method on 'ilal completely and the method of  $qiy\bar{a}s$ . And a way back to  $nu\bar{s}u\bar{s}$ . If they do so, then there remains no other difference between us and them other than the difference in naming a hukm 'illah. If they were to say, "No hukm is obliging except what Allāh or his Messenger state it," they would concur with everything we say. But they remain hanging on to the word 'illah, as it is mushtarak (a polysemous word). This is again turning from something correct to something false and transgressing  $nu\bar{s}u\bar{s}$  to what is not  $man\bar{s}u\bar{s}$ , which they themselves agree on that it is not allowed.

Some of them say, "In cases there are *akhbār al-āḥād* used, while they are an evidence in obliging actions, they are not an evidence in providing knowledge of a matter. Then do not reject our belief regarding *'ilal* even if it is sometimes contradictory."

We say: Everything we mentioned previously remains applicable in this case. Because we do not reject something being an evidence in its correct place and it not being an evidence when it is not in its place or topic. We only reject your claim regarding 'illah being an obligatory, necessary evidence for a ruling in some cases in a topic without direct  $nu\bar{y}\bar{u}\bar{y}$  for it and it not being an evidence in its place but different places, this is that which we vehemently reject, not what is other than it. As for a *khabar al-wāḥid al-musnad* from a  $tar\bar{t}q$  with upright narrators, then it is always obliging an act forever if it is from the Prophet according to everyone.



Then we differ, a group said among them, "It does not suffice for knowledge at all, if there is mention in it about known matters then it suffices for knowledge."

Another group said, "It does provide knowledge if it is from the Prophet." The correct view is that *akhbār al-āḥād* from reliable narrators always provides knowledge and certainty, so their claim is not a *lāzim* against us.

Regarding the wisdom in the actions of Allāh being related to 'ilal, they also say, "Allāh, Al-Ḥakām (the all-wise) does not do anything except for a sound 'illah. And Al-Safāh (the stupid) does not do anything for any 'illah." They do qiyās of their creator to themselves and say, "Allāh does not do anything except for his servants to benefit from it," and they use these arguments to affirm 'ilal.

It is from the sound ' $aq\bar{\imath}dah$  that any attributes affirmed for Allāh cannot be likened to the creation, Just as when we affirm  $istiw\bar{a}$ ' and 'uluww for Allāh, and here they are doing the absolute opposite. Affirming an attribute for Allāh because of the reason the created does matters in a certain manner.

These arguments which they make from the origins of their methods are not far from being the origin of every *kufr* on earth. By looking in this origin, it did not originate from anyone other than the *dahriyyah* (atheists) who make it from their certain evidences to invalidate the existence of a creator when they see matters that which do not go according to what they are accustomed to which they see as a good thing. And that there must exist an *'illah* for anything that is done or made. And also since there exists an *'illah* for everything then there must also exist an *'illah* for what is already an *'illah* and so on as an infinite regression but without any beginning.

This saying is also the origin of those who say, "The creator of the heavens and earth is only the *nafs* and it is not possible for a god to create evil in the world."

This saying is also the origin of those who say, "The heavens and earth will never stop existing, and its creator will also never cease existing." Because they make the *'illah* of creation, the very existence of Allāh and his existence never ceases then his creation will also never cease to exist.

This saying of theirs is also the origin of those who say that the heavens and earth have two creators such as the *manawiyyah* and *daysaniyyah* because they say, "Allāh is *far*' exalted from not doing anything for a *ḥikmah* that has no benefit for his servants." Because of this they say that there is another

creator besides Allāh creating evil and corruption. Allāh is far exalted from any of this.

It is also the origin of those who believe in metempsychosis because they say, "It is impossible for the All-Wise to punish those who do not sin. And it is impossible to punish a people for others to take a lesson from it or to recompense others because of that. Or that he is able to recompense without harming, all of this is doing things without any purpose. When we see that Allāh punishes children with illnesses, wounds, hunger and lets other animals kill others and we know from that, that those sins are then without purpose then we know then they used to be before they were born in their current life that they used to be sinful in their life before from the lives of animals and humans."

This is also the origin of those who claim prophethood to be false such as the *barahimah* and whoever follows them who say, "It is not from *hikmah* for Allāh to send a Prophet while Allāh knows that there will still be those who will not believe."

May Allāh protect us from these tribulations.

The cursed Iblīs whispers these 'ilal about the  $ahk\bar{a}m$  and then they became part of his cursed method which we mentioned.

The companions of the  $z\bar{a}hir$  are all free from this method they seek protection in Allāh from ever transgressing the limits Allāh set and to ever question why a ruling is revealed and to prohibit anything their creator and Messenger did not prohibit or to oblige what their creator and his Messenger did not oblige and to allow that which their creator and his Messenger did not allow. They never exceed beyond what they are told by Allāh or his Messenger and they sought guidance by light of Allāh completely which is the only method by which we can ever get to know what we are burdened to know which distinguishes the truth from the falsehood, with the  $nus\bar{u}s$  of Allāh and his Messenger as there is not a single other path to success for the  $\bar{a}khirah$  except through the  $wah\bar{\iota}$ .

The first misguidance on this topic is the *qiyās* of them that Allāh is like them. They say, "A wise person among us will do anything for an '*illah*, so Allāh the All-Wise must then also be in that manner."

It is said to them: How many times did Allāh and His Messenger state an 'illah and how many times did they not state an 'illah? The amount of times there is no 'illah far exceeds the amount the 'illah is stated, even if there was



only one case there was no *'illah* stated, there is then one ruling according to you that happened without a wisdom

They agree that *qiyās* is making a thing similar to another because of an *'illah*, so they make themselves similar to Allāh in that regard. Allāh has negated this falsehood of them when Allāh said, "There is nothing like Him" [42:11].

It is more correct when using this method, that since a wise one among us does anything for an *'illah* that then Allāh the All-Wise is nothing like that and does nothing because of an *'illah*.

Allāh is far exalted from what they claim as Allāh does not have limits. It is *kufr* without *ta'wīl* to deny this. There is no difference in what they say and the one that says, "Since we find anyone that does anything always as a *jism* then Allāh, the doer of whatsoever He wills must also be a *jism*."

Only mentioning this is sufficient to indicate the falsehood. Any wise human only is wise if he follows the commands of his creator Allāh by leaving what he prohibited. This is the only necessary *sabab* on the wise one among the humans and *jinn*, not to do anything except for the benefit by which he can benefit from in the hereafter.

As for Allāh Al- $B\bar{a}r\bar{\imath}$  he never ceased ever to be one without anything like him without anything before him. And also, we do not name Allāh Al-Hakīm and by that using it as a method for  $istidl\bar{a}l$  ever. And also not because of the 'aql necessitating Allāh to be called  $Hak\bar{\imath}m$ . We only affirm the name  $Hak\bar{\imath}m$  because he has called that himself, there is also not any mushtaqqah derived from Al- $Hak\bar{\imath}m$  else they would have to call him ' $\bar{a}qil$  and so on with names that are not from the  $nu\bar{\imath}u\bar{\imath}$ .

As for their saying that Allāh does things for the benefit of his servants. Allāh rejected that when he said, "And We send down of the Qurʿān that which is healing and mercy for the believers, but it does not increase the wrongdoers except in loss" [17:82]. Not all wrongdoers are infidels. Then where is the benefit for the wrongdoers in not increasing them except in loss? They will instead remain in worse harm and worse corruption. These are all necessary on those who believe in 'ilal but Allāh said regarding them, "But he whom He sends astray, for him you will find no wali (guiding friend) to lead him (to the right Path)" [18:17]. They are asked: Is Allāh granting benefit for everyone or only some people? If they say, "For everyone," this is a clear lie as we just mentioned the verses about the wrongdoers. And Allāh also did not send Mūsā ever for the benefit of Firʿawn. And Allāh also did not send the

Muḥammad for the benefit of Abū Jahl, instead only harm them in this world and the hereafter, and this is the same for every infidel, because if Allāh did not send prophets who would be rejected by those infidels only then would they benefit and for their hereafter.

And also there is nothing of benefit in this heavens and earth except that it in some way includes some harm for the other. What creates benefit for Zayd by him corrupting 'Amr, what wisdom is there in any of that? Such a person is according to them and us stupid. And Allāh causes all of it while he is the most just of all judges, according to them what we witness and do is wisdom from Allāh. It becomes then necessary on their false method to affirm that "stupidity" as well for Allāh, from the stupidity witnessed from these people, far exalted is Allāh from these beliefs and anything it implies.

Animals have animosity for each other as we can witness and fight for no reason their own species such as goats, kangaroos, roosters or partridges and killing for reasons other than eating is a waste against wisdom. And Allāh causes all of these actions and lets them dominate each other without a punishment on the killer and also nothing for the family of the killed. While Allāh is the most judge of all judges. So what they claim that Allāh does not do anything except for the benefit of his creation is false and the truth with necessity is that he does whatever he wants whether we witness it to be a benefit or not, Allāh the Most Exalted said, "He cannot be questioned as to what He does, while (only) they will be asked" [21:23].

And He said, "(He is the) Doer of whatsoever He wills" [85:16].

And He said, "Thus Allāh judges; nothing can reverse (adjust) His judgment" [13:41].

They continue to question why rulings are revealed as if they do not read these verses and act upon them.

We find that Allāh created affection for the spouses so that they can obey him and made it for others till they disobey and it keeps them busy from the prayers on time. A virtues person can be afflicted with leprosy the same as an evil person is and a virtues person like an evil person can be healthy. A group of people can be afflicted with tribulations and remain patient while another group of people start disbelieving. And a group of people can also be saved from tribulations and be thankful and another group start disbelieving. An upright person can live a long life the same way an evil person does the same way, they may pass away in earlier ages of their life, earlier than the evil person, Allāh says, "And let not the disbelievers think that Our postponing of



their punishment is good for them. We postpone the punishment only so that they may increase in sinfulness. And for them is a disgracing torment" [3:178].

And Allāh says, "Do they think that in wealth and children with which We enlarge them. We hasten unto them with good things. Nay, [it is a Fitnah (trial) in this worldly life so that they will have no share of good things in the Hereafter] but they perceive not" [23:55-56].

Allāh tells that He only postponed them to only harm themselves later, not for their benefit. And Allāh says, "And let not their wealth or their children amaze you. Allāhs Plan is to punish them with these things in this world, and that their souls shall depart (die) while they are disbelievers" [9:85].

Allāh says, "Those are the ones whose hearts Allāh does not want to purify (from disbelief and hypocrisy)" [5:41].

Allāh makes it clear that their claim, "Allāh only does anything only for the benefit of his servants," is all false. And what is meant with the servants of Allāh is all of creation as all of the creation of Allāh are his servants as Allāh is the creator of all of them. 498

And also it would have been more beneficial for anyone to enter *jannah* without any *taklīf* without any action needed and also not any difficulty.

They mention verse, where Allāh says, "We do not abrogate a verse or cause it to be forgotten except that We bring forth [one] better than it or similar to it" [2:106]

There is no evidence in this for them. Because a *nāsikh* only becomes a better benefit for any Muslim the moment Allāh makes it a better benefit, not before that. It has never been a condition for it to be better for us except when Allāh wills it to be for this specific matter without a *sabab* and no *'illah*. It is also said to them: Is a *nāsikh* only good if it abrogates what comes before it or can, what is before the abrogation also be something good? If they say, "It can be what is good for us before the *naskh*," then they invalidate what they are going towards with his verse. And they admit that Allāh prevented us what was good for a long time, as it is evident from the verse.

And if they say, "It only becomes good after the *naskh* of the previous order."

It is said to them: And what is it that which necessitates it then to become something good for us. And what is it which necessitates it changing for it to

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<sup>498</sup> Majmū' Al-Fatāwa 10/155

be good for us. Is it an 'illah that rules over Allāh or is it Allāh doing it however he wills it to be? If they say, "The 'illah rules over Allāh then they are apostates by ijmā' of the ummah." If they say, "It is only because it is however Allāh willed it to be," then they return to the saying that Allāh does however he wills with no bound 'illah on his actions whatsoever. He does not will what he does not do. Allāh willed misguidance for who is misguided and did not will guidance for him and also no benefit. This is clarified when Allāh said, "And We have put coverings over their hearts lest they should understand it (the Qur'ān), and in their ears deafness" [17:46].

And when Allāh said, "Allāh has set a seal upon their hearts and upon their hearing, and over their vision is a veil. And for them is a great punishment" [2:7]. What goodness or benefit is there in Allāh Setting a seal on their hearts and deafness in their ears. We seek refuge in Allāh in wanting that from us.

If they say, "Allāh wants good for them by wanting them to call upon Allāh to want good for them."

The answer: We find dogs to be ugly in shape and swines were created impure while horses have *barakah* in their foreheads. Then which *'illah* and which *sabab* caused them to be this way and what caused some of them to be *najis* while others having *barakah*. And what did any of them do to deserve any of that before they were able to do anything. And which *'illah* obliged him to create the amount he has currently created, without creating more than currently or less. *Khuld* is a blind rat which is created without eyes, and a deep-sea lobster, golden mole. While hawks, owls and eagles have three hundred sixty-degree vision. And viperdae are more dangerous than *khuld* and it has sharp eyes.

If they say, "Allāh made that all to take a lesson from it and Allāh may punish children with illnesses to compensate and reward the parents."

Then this is all clear falsehood. All of us know that there is no corruption between humans and creatures greater than punishing someone to give someone else for it money. Or to punish someone that has no sin for others to take a lesson, or for others to reward from that. While this all is done by Allāh the most just of all judges. While we can all witness this it becomes completely false to claim that Allāh is limited to do anything for the benefit of his servants who are any of his creatures and that Allāh is All-Wise in the manner like we are Wise.

And what difference is there in slaughtering a young animal for our benefit and between slaughtering a young one among us, like if 'Amr would slaughter his own son for the benefit of Zayd? Except that Allāh willed to allow the first regarding slaughtering of animals and did not will for the latter about slaughtering a child and prohibited that. If it would be the case that he allowed it and prohibited the other then it would remain just from Allāh and a <code>hikmah</code>, but when Allāh did not do it then the act as it is remains prohibited and a waste.

Allāh allowed imprisoning their women and their children by force and us owning them and taking their wealth by force because of the sins of their parents. The evidence that it is due to the sins of their fathers is because if they would be Muslims then it would be prohibited on any Muslim to imprison their children. What made their children take the burden of the sins of others and what makes benefit from the children of Muslims earlier than the benefit of the sons of the infidels? Would the one that does that to the children of Muslims not be among the worst of the oppressors? And what specifies out the bodies of souls that can speak from the bodies of lions, donkeys and horses.

If they say, "There is in imprisoning their children benefit for them because they will become Muslims."

The answer, "If that is the case then allow imprisoning the children of *ahl ul-dhimmah* so that they can become Muslims as that is more benefitting for them.

If they say, "But they are those who life with us."

The answer: If that is the reason then let the children of *ahl ul-ḥarb* life among you, otherwise you contradict what you use as an argument and you leave *qiyās* and did not use *'ilal* as it should be according to your method.

There can be no difference of opinion from anyone with the least amount of intellect that if we were to be created in *jannah* and are let known the severe blessings in *jannah* like the angels then it would be the most benefitting for all of us, except that they say, "Allāh is not able to do what he did not do." Because of this they have departed from Islām.

In any case, all of 'ilal has been invalidated in any way possible and with every possible view answered. Allāh created at the time of the Prophet a people and they witnessed his miracles and believed and created others in the most far places in the world they do not know a single name with Muḥammad, the Prophet and follow those with the worst of names and descriptions.

All of these have no 'ilal to it. The only thing that happened is that Allāh willed it to be that way and t there is nothing worthy of worship in truth except Allāh.

And Allāh ordered us to take *jizyah* from *ahl ul-tathlīth* and they are the Christians and prohibited us from killing them and prohibited us from taking their wealth, while they allow the killing of us and fighting us. While it is prohibited for us to stay with the *thanawiyyah* who believe in two gods, while *tathlīth* is worse in *kufr* than *thanawiyyah*. And the *thanawiyyah* do not allow hurting and also not killing us and also not taking our wealth. While Allāh ordered killing them wherever we may find them if they do not repent and accept Islām, nothing else is accepted from them other than Islām.

The insane said, "It is because the origin in the beliefs of the Christians correct."

We say: This is a lie, *tathlīth* (trinity) has never been ever correct, nothing more than false beliefs just like *thanawiyyah* without any difference. We do not know anything more than that the *nuṣūṣ* which are the only thing that separates them from Christians, Jews and Magians with no 'illah.

If they say, "If they die and pass away that is a *maṣlaḥah* for them as they will join who does not talk."

We say: If that is a *maṣlaḥah* for them then, according to you, killing would be allowed as that brings *maṣlaḥah* without requiring *jizyah* from them. And this goes directly against when Allāh said, "And let not the disbelievers think that Our postponing of their punishment is good for them.

We postpone the punishment only so that they may increase in sinfulness. And for them is a disgracing torment" [3:178].

Allāh rejects their sayings of  $maṣ\bar{a}lih$  here completely as it is the opposite of  $maṣ\bar{a}lih$  in any way possible.

Some of them say, "Allāh prohibited the swine because of what it eats."

We say: This is false and attributing lies to Allāh. An old male goat and chicken eat more false things than a chicken and Allāh still allowed eating them, chickens even eat the excrement of swines.

They say, "You agree with us that it is obligatory to be grateful a *mun'im* and to Allāh, this indicates an agreement of you with us for the 'aql necessitates some *shar'*.

We say: This is a lie, we never agree with them ever that gratefulness to Allāh being obligatory except after Allāh said, "And We have enjoined upon man [care] for his parents. His mother carried him, [increasing her] in



weakness upon weakness, and his weaning is in two years. Be grateful to Me and to your parents; to Me is the [final] destination" [31:14].

And after Allāh said, "Nay! But worship Allāh (Alone and no one else), and be among the grateful" [39:66].

And after Allāh said, "And [remember] when your Lord proclaimed: 'If you are grateful, I will surely increase you [in favor]; but if you deny, indeed, My punishment is severe' [14:7].

And from many  $nu\bar{s}u\bar{s}$  of the Prophet on the obligation, if it weren't for those  $nu\bar{s}u\bar{s}$  then it would not be obligatory on anyone to be grateful.

Whoever obliges *sharā'i'* before it is ever mentioned from *sam'* does not reject the view of the *khawārij* who say, "The moment the Prophet was sent it became obligatory on every single living person to follow every single ruling of the religion, from *buyū'*, *talāq*, *nikāḥ*, all '*ibādāt* if anyone dies before knowing all rulings then they die as a *kāfir* in to the hellfire.

This is a  $takl\bar{\imath}f$  that no one is ever able to endure and to oblige  $shar\bar{a}$ 'i' before  $nu\bar{\imath}u\bar{\imath}s$  is an further greater  $takl\bar{\imath}sf$ . Allāh says, "Verily, Allāh does what He wills" [22:14].

They ask, "Does rejecting ta 'līl from the actions of Allāh itself lead to *ibṭāl ul- qiyās*? Do you reject *qiyās* because of rejecting ta 'līl from the actions of Allāh?"

The answer: Allāh does only however he wills, but rejecting ta 'līl from the actions of Allāh itself does not imply the falsehood of qiyās completely, it does invalidate most of it. Rejecting ta 'līl from the actions of Allāh only invalidates matching 'ilal, but not for example qiyās based on stable ratio legis (al-waṣf al-munḍabiṭ). Qiyās based on stable ratio legis has a similar definition as our definition of 'illah which we clarified before, two examples for it is the 'illah of ḥudūd being deterring or breaking the fast during the travel for the 'illah of difficulty.

Rejecting ta ' $l\bar{\imath}l$  from the actions of Allāh does not imply rejecting ta ' $l\bar{\imath}l$  from the shar' of Allāh. Because the shar' is reasoned itself (Mu 'allal), with  $ahk\bar{a}m$  and actions. What is only rejected is ta ' $l\bar{\imath}l$  which has not come with the shar', that has no place for our senses to perceive it and also not the 'aql.

Then there is also a difference between claiming an 'illah for something, which necessitates for Allāh to perform an act, leaving or a shar', and an 'illah which Allāh himself makes with his will, his hikmah, his qahr for an act, leaving off or a shar'.

We only reject the first one, Allāh is Hakīm and 'Alīm. His actions and his *shar*' are *mu'allal* (reasoned) itself with the *ḥikmah* of Allāh if He mentioned the reason for them and we do not know his *ḥikmah* except what he has taught us from that or what our 'aql can sense with certainty. And none of that is moved to other places.

*Qiyās* is from the manners of the 'aql in istinbāt which is presumptive, used to reveal the differing influencing ['illah] or by negating it.

The ruling according to the majority as it is the understanding of the shar', is that the addressing of Allāh requires from everyone obedience, with the heart, tongue and with actions. The purpose of obedience is seeking the pleasure of Allāh, to be saved from the hell fire and to enter paradise, this is the general *ḥikmah* and the sufficient complete 'illah. Because everyone that is mukallaf from jinn and mankind are not created except to obey Allāh. This does however not negate the possibility of the hikmah of the shar' applying for its details if its stated. What is prohibited are only two: First is not obeying Allāh till the *ḥikmah* is known which is false, it is instead obligatory for every mukallaf to instantly obey Allāh any naṣṣ that reaches if he understands it and has the ability what is requested from obedience. The second, basing any shar'i ruling from any shar'i hikmah, while the hikmah is not mentioned by any nuṣūṣ, "certain" istinbāṭ or assuming possibility, with the condition for it to be based from a hikmah by means of ijtihād in a place with no naṣṣ for its name. Because the ruled from a nass with its wording is more specific than its meaning. We only say that the hikmah is an authorized purpose for a mujtahid to seek it with those two methods mentioned. Because Hakīm is from the names of Allāh and his attributes, Allāh described his governing the shar' with hikmah in twenty verses in the book of Allāh and Allāh urges the 'aql of mukallafīn to ponder and to have I'tibār. The hikmah can be a worldly benefit which is from  $nus\bar{u}s$  such as  $qis\bar{a}s$  to achieve security and it can be istinbāt to achieve a religious benefit. The mujtahid gives preponderance that hikmah is religious and to lessen the measures on the day of judgment. A mukallaf will not yearn after this istinbāţ as he will find in the religion of his creator that he is responsible for bliss and that the kuffār are rebuked for consuming pleasure in their worldly life. It is obligatory on a mujtahid, whether he can find a hikmah or not, to not affirm with certainty that it is the intention of the shar' so that he does not speak about Allah without knowledge. The *hikmah* is only the [end] result of obeying him. For example some people write books regarding the prayer benefitting the body which is a worldly matter, it is not allowed for a mujtahid or anyone to affirm that these benefits are the intention of the *shar*' from the obligatory prayers, or any part of the rulings. It can instead be however said that hikmah is attained by obeying the ruling of Allāh and carrying it out. This is the difference between hikmah of the shar' and hikmah of obedience. A Muslim may be able to go through hardship better because of prayer and attain protection from many mistakes, this is a valid hikmah as Allāh says: "Verily, the prayer prevents from fahshā' (great sins of every kind, unlawful sexual intercourse) and munkar (disbelief, polytheism, and every kind of evil wicked deed)" [29:45]. And Allāh orders us to seek help in patience and the prayer. And the Prophet said, "My comfort has been provided in the prayer." Those who guard the five daily prayers properly have a lot of worldly benefits, that is the result of obedience and the *hikmah* of the *tashrī*', its knowledge is with Allāh. There are matters which are prohibited for anyone to seek its *hikmah* for completely, such as the *mutashābihāt* which are the broken letters, the *dhuhr* prayer being four raka'āt instead of five or three. And maghrib being three raka'āt instead of two or four. Stoning jamarāt seven times, kissing the black stone, the hadd being eighty, or forty for specific crimes instead of one hundred fifty or only ten for  $ta'z\bar{t}r$ . The ruling for these is as Allāh says, "He cannot be questioned as to what He does" [21:23]. Allāh says, "(He is the) Doer of whatsoever He wills" [85:16]. Allāh says, "Thus Allāh judges; nothing can reverse (adjust) His judgment" [13:41]. So when we know that a *hikmah* is from the texts it is affirmed and any hikmah that is not mentioned by the texts, it can be said regarding it that it is the result of obedience, but it cannot be affirmed as the hikmah intended for it by Allāh. And none of the hikmahs which is from texts can be used for the places it does not belong. And a hikmah that is not mentioned cannot be affirmed in the first place. And those two types can never be placed in different places to create rulings. So if it is claimed that we reject hikmah, it is a false claim which none of us believe.

Following the apparent  $(z\bar{a}hir)$  is not stubbornness on literalism, it is only seeking the truth on the issue, whatever is not indicated by the language from  $nus\bar{u}s$  and what the 'aql cannot comprehend, it is not a nassi issue. What is often claimed from students of knowledge, and what is instead very well-known is the claim, "Taking the apparent means taking the clear and abandoning the unclear," meaning, "If that which is indicated is unclear it does not become the apparent until it is clear." This is falsehood and misguidance. The reality is that the apparent  $(z\bar{a}hir)$  means that which is clear

and that which is unclear. And what is not the apparent is what the *zāhir* negates to indicate, 'Abd al-Qāhir Al-Jurjānī said on behalf of the *mufassirīn*, "They dislike using words for which the meaning of does not indicate."<sup>499</sup>

This is the best phrase for the limits of taking from the apparent from  $nu\bar{s}u\bar{s}$ , as long as the meaning of the words do not indicate it, it is not the  $z\bar{a}hir$ . And whatever does indicate it with its meaning, then it is the  $z\bar{a}hir$  whether it is clear or unclear. The  $z\bar{a}hir$  of the  $na\bar{s}\bar{s}$  is of two: the most general  $lughaw\bar{i}$ , ' $urf\bar{i}$  apparent which does not deviate from the words used by the speaker. The second is the specific intent of the speaker.

The first are all the possibilities that are permissible from a *lughawi* perspective. Such as using the word 'ayn to mean a spring instead of eyesight and many others. Every possibility of a meaning that cannot be linked to the word in language or rhetoric is not the apparent. The speaker's intent is more specific than the general meanings of the language. If what is claimed to be intended by the speaker is not from the apparent, then it is not apparent; Rather, it is a claim about the speaker what he did not actually say, and this is the exact same case with those who do that with the words of Allāh.

They say, "Everything that is done for no 'illah is useless ('abath)." We have already clarified this before partially, here we will clarify it in great detail, by the will of Allāh. So we look into what they use as evidence for this claim, and we find that they mention the verse, "Our Lord! You have not created (all) this without purpose" [3:191].

And the verse, "And We created not the heaven and the earth and all that is between them without purpose" [38:27].

And the verse, "Did you think that We created you with no purpose" [23:115].

And the verse, "Does man think that he will be left neglected" [75:36].

The answer: As for the verse, "Does man think that he will be left neglected (*suda*)" [75:36]. This is only about that Allāh will not leave us with *suda* which is the *muhmal*, that Allāh will not leave us without rulings, without a prohibition that we must avoid, without an obligation that we must carry out or what is permissible for us.

As for the verse, "Did you think that We created you with no purpose" [23:115]. Allāh used the word, 'abath here, meaning, "'Did you think that We created you aimlessly like animals and that you would not be returned to Us

<sup>&</sup>lt;sup>499</sup> Asrār al-Balāghah pg. 393



for retribution and resurrection?" As Allāh says in the exact same verse, "Did you think that We created you with no purpose, and that you would not be brought back to Us?" [23:115].

As for the verse, "Our Lord! You have not created (all) this without purpose" [3:191].

And the verse, "And We created not the heaven and the earth and all that is between them without purpose" [38:27].

These two verses mean, "We did not create these things aimlessly, outside of evident wisdom; rather, We created them as evidence of Our power." Allāh created it as evidence of His wisdom and power.

That which clarifies these verses is that Allāh also said, "I have not created the *jinn* and mankind except to worship Me" [51:56]. 'Without purpose' (*bāṭil*) mentioned in these two verses mean nothing more than these creations are there for us to reflect on. We clarified this in great detail before when we clarified the meaning of *i'tibār*, about reflecting on the creations of Allāh only. Allāh says, "Do they not look at the camels, how they are created?" [88:17]. What indicates this further as that the exact same verses they mention completely is, "Those who remember Allāh (always and in prayers) standing, sitting, and lying down on their sides, and think deeply (reflect) about the creation of the heavens and the earth, (saying): 'Our Lord! You have not created (all) this without purpose, glory to You! (Exalted are You above all that they associate with You as partners). Give us salvation from the torment of the Fire'" [3:191].

None of these verses indicate in any possible way that we are obliged to make up ourselves reasons why Allāh has made rulings and use that reason to use that ruling other issues. This is from the falsehoods that can never be understood from these verses.

None of these verses indicate that we can transgress the reasons mentioned by Allāh and that we can use those reasons to apply it to issues which he has not mentioned that reason for. If these verses would be according to their false understanding it would still remain obligatory to limit where Allāh placed the limits and not to say about Allāh and His religion without knowledge.

And all of the actions of Allāh are just and hikmah. This is because Allāh, exalted be He, places every existent thing in its proper place, and He is the  $hak\bar{\imath}m$  who has no  $h\bar{\imath}ak\bar{\imath}m$  above Him, and there is no one to overturn His



ruling. Allāh says, "He cannot be questioned as to what He does, while (only) they will be asked" [21:23].

And Allāh says, "(He is the) Doer of whatsoever He wills" [85:16].

And Allāh says, "Thus Allāh judges; nothing can reverse (adjust) His judgment" [13:41]. And All of these verses must be used, it is not obligatory to abandon some for the other, as that is the case it becomes impossible for any of these verses to indicate their method.

All things that are described as evil that exist among us are created by Allāh, the doer among us is described with the evil, while Allāh the creator of it is described with justice, He does whatever He wills, Exalted is He, nothing can reverse His judgment.

Allāh never burdened us to do any of their method. The fact that All actions of Allāh is a *ḥikmah* does not mean that we can make up '*ilal* ourselves and make up rulings ourselves. Allāh says, "Is not Allāh the Most Just of all judges" [95:8]. This verse indicates that every single thing Allāh does has a *ḥikmah*, none of this indicates their method regarding Allāh being obliged to anything for the benefit of the Muslims, or anything regarding their method of benefits (*maṣlaḥah*). All of it is transgression from the limits set by Allāh.

We also say to those who believe in ta 'līl and that all of it is a hikmah and everything else is 'abath, "Tell us what is the 'illah of the prohibition of dead meat, blood, swine meat, and a fifth wife and other rulings? There is never any way for any 'illah of these rulings and others. Then where do you get it from to use ta 'līl only for some rulings by false claims without everything else? If it would ever be the truth, then it would be obligatory to apply it everywhere.

And we also ask them: Is *ta 'līl* obligatory or not obligatory? If they say, "It is obligatory." The we say: Then you have opposed your view here as you do not apply it for every single ruling. And we also say to them: Did Allāh ever order you to look into why he made rulings and apply that rulings to create other rulings yourself or did he not ever order it? If they say, "He did order it." Then we say: This is a very evident lie against Allāh as there is no certain evidence for that. And if they say, "He did not order it but he also did not prohibit it." Then we say: Then you are using a method which Allāh did not ever oblige as a pillar from your method, anything from this attribute is rejected. And he has lied as there is many indications for the prohibition of *ta 'līl* as we clarified and it has become as evident as the sun, it will become more evident soon, by the will of Allāh.

Know that the 'aql, senses, thought and imagination are from the strengths of the soul. There are however things that the 'aql cannot know itself except that it declares it false, such as the one looking for 'ilal making them a necessity for the rulings of the religion, there is nothing in the 'agl except the obligation of obeying the One the Creator only, in anything he orders. As for the 'illah necessary for the prohibition of swine meat and the permissibility of a goat or the obligation of the prayer after the decline of the sun and the prohibition before zawāl or for the prayer to be four raka'āt or three or fasting one month of ramaḍān without fasting on dhū al-hijjah or ḥajj to Makkah in dhū al-hijjah without other months. Killing the one that fornicates while he is married whether the husband forgives her or not or her father. Or the prohibition of killing the one that has killed someone if the walī forgives, or absolutely any ruling, all of this is initially not in the 'agl and the same for all other rulings and the same for all actions of Allāh, he created the donkey humiliated and mockery and he made the horses to ride and has placed 'aql in humankind and has superiority on a dog over an antelope and allowed for us to slaughter some animals and created some animals with wings and some under water and some that eat each other and some that can pronounce and others ignorant and others with two feet and others with four and some six and some more and some without feet and he created the lion being valiant, having courage and the apes weak, having no courage. And so the Creator creates everything. The 'aql is only a strength by which a soul can distinguish between all that exist based on their ranks and witness what it is upon from its real attributes only and it negates what is not from it. This is the reality of the limit of 'aql.

Allāh creates everything without any 'illah that is obligatory on him to create. The certain evidence for that is that if Allāh would do anything for an 'illah then that 'illah would either never cease to be with him, or it would be a created muḥdath. There is no third option. If it would never cease to be with him, then there are two things that are impossible: first is that there is something else with Allāh that never ceases and this invalidates tawḥūd which has certain evidence for it. Second is that if the 'illah of what is created would not cease, then the creation would also never cease because an 'illah never departs from its ma'lūl, which is that which is tied to an 'illah. And if it departs from the ma'lūl it cannot be called an 'illah for what it is tied to. And also if there would be an 'illah that is obliging for Allāh to create for his creation, then he would be forced for that 'illah, and this is an exit from ilāhiyyah.

Then we move to the second type: If anyone claims that there must be an 'illah' for every single thing that exists and that it is otherwise 'abath, if they reject that it is created then we tell them about this second type: If you then agree that an 'illah is created then there must be another 'illah for that 'illah, if it is necessary for a created thing to be for an 'illah then that must also be for the second and third and so on forever, this necessitates that there are beings that create things without a limit to their amount and this is false, everything that is created has a limited amount, place and time, and everything that whose amount can be limited is finite so this becomes false and All praise is for Allāh.

If they say, "No Allāh created an 'illah for the ma'lūl but that 'illah is without an 'illah."

They are asked: Your claim is that Allāh creates everything for an 'illah, which you call a hikmah, and you agree and admitted that an 'illah is created, this must then also have an 'illah otherwise you contradict yourself, where do you then get it from that Allāh creates some things for an 'illah and other things not for an 'illah? There is no other option at all.

If they then agree that Allāh is not obliged to create anything for an 'illah and that there are only somethings with an 'illah and not everything then, we ask them further: Where do you then set the limit? That which Allāh and his Messenger said that a ruling which is a creation is for a certain reason or for anything other than that?

If they say, "Allāh still creates an 'illah for anything other than that."

Then they have clearly spoken falsehood as it is impossible to ever indicate a limit for this claim it is a claim about the unseen. The answer without any doubt is that the limit is where Allāh and his Messenger set the 'illah and the rulings they mentioned an 'illah for, this establishes that no one can use the reasons Allāh and His Messenger used for issues other than that where they mentioned them. This is absolute certain evidence that it is not possible to ever claim that an 'illah can ever be made up for other rulings or that an 'illah can be moved from one ruling to another, anyone that does that contradicts all of this and there is never a single way for a certain evidence for him.

Their method implies that everything Allāh and his Messenger did not specify a 'illah for then 'abath? And it contradicts making a difference between manṣūṣah 'illah and ghayr manṣūṣah.

What is sufficient for the falsehood of this is that they acknowledge that qivās is the truth then they precede to abandon qivās for istihsān which is the opposite of qivās. The opposite of the truth can be nothing other than falsehood. If *qivās* would be the truth in an issue and *istihsān* which is the opposite then leaving qiyās for istiḥsān implies nothing other than that the truth is left for falsehood. And if istihsān would be the truth then giyās which is abandoned is false, which is also its opposite. And also there is no istihsān from anyone that is earlier to be followed than that of someone else. Regarding ta 'līl based on wisdom (hikmah) or general benefits (manāfi') and harms (*mafāsid*), everything mentioned before applies for this method as well. It is false to change a ruling to a different place merely to achieve a benefit or prevent harm without certain evidence to support placing that ruling in a different place, wherever it may be found. It is known that establishing religious rulings leads to numerous benefits and prevents many harms. Some of these benefits and harms may be known while others are not. So making the achievement of a specific benefit or prevention of a specific harm a reason to change a ruling to any different place without certain evidence to necessitate it leads to many juridical errors.

An example of this is temporary marriage (*mut'ah*). Its abrogating (*nāsikh*) prohibition has been established in multiple authentic narrations, including the narration of Saburah Al-Juhanī, who said that he was with the Messenger of Allāh (peace be upon him) and he said, "O people! I had permitted you to engage in temporary marriage with women, but Allāh has forbidden it (now) until the Day of Resurrection. So he who has any (woman with this type of marriage contract) must let her off, and do not take back anything you have given to them (as dower)." Saburah clarified in some narrations by Muslim that this was during the year of the Conquest of Mecca, affirming that it is the abrogator that abrogates any ruling before it.

The important point here is that when considering the wisdom behind the prohibition of temporary marriage, such as that it destabilizes social bonds and potentially leads to adultery, it is absolutely invalid to equate it with adultery. This is a false justification because if adultery and temporary marriage were one and the same due to an *'illah* common between them, then the Prophet would have prohibited temporary marriage at the onset of the Meccan period when the prohibition of adultery was revealed. Since he did

<sup>500</sup> Şaḥīḥ Muslim 1406

not do so and only prohibited temporary marriage in a later period after the migration, we understand that temporary marriage in the form it existed back then differs from adultery. It is impossible for temporary marriage in its old form to be adultery, as the Prophet had initially permitted it and then prohibited it. It is impossible for the Prophet to permit something obscene, and there is a significant difference in jurisprudence between your claim regarding temporary marriage being invalid due to the prohibition against it and your claim that it is adultery.

So from rulings benefits and wisdom can be witnessed without any doubt, this fact is not rejected. But it is never allowed to claim that the wisdom that is noticed is what was intended with the ruling and was the intention of Allāh when he made that ruling, this is saying about Allāh and his Messenger without knowledge, everyone can claim a different wisdom and some may not see the wisdom themselves. And what is even more false is to claim that wisdom is what was intended with a ruling from Allāh and then use that wisdom to make other rulings, this is directly transgressing the limits set by Allāh.

We say to them: Tell us about ta 'līl of hikmah and manāfi' which you believe in. Can every single Hikmah change rulings or can it not change rulings? If they say, It cannot always change rulings." Then they admitted its falsehood and they acknowledge that it becomes false and sometimes correct and if we were to ask them to bring certain evidence from Qur'an and sunnah that distinguishes between the correct and false from this they would not be able to bring a single letter about ta 'līl, let alone ta 'līl of hikmah and manāfi'. If they say, "We only apply it everywhere." Then we say: Then why do you not then also believe that a person that is a resident who has hardship can shorten his prayer? Because you believe with certainty that it is permissible to shorten the prayer during a travel is only because of it causing hardship. If they say, "But the Prophet # never did it." Then we say: And the Prophet # also never ordered any creation of Allāh to do ta'līl of any ruling of the religion and also not to look into any benefits or wisdom and to affirm that and use that to change rulings. And also since they believe it is because of hardship then they also oblige themselves to only shorten prayers during a travel if there is hardship only, not if there is no hardship. This indicates clearly the falsehood of their method and this is only one example from the

many. And also most of those who believe in *qiyās* do not believe in using this type of ta ' $l\bar{\imath}l$ . And All praise is for Allāh.

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<sup>&</sup>lt;sup>501</sup> Al-Iḥkām of Al-Āmidī 3/186-188, 212-223

## Section: The Falsehood Of *Qiyās Jalī*, *Qiyās* With A *Manṣūṣah ʿIllah*, *Ta ʿmīm Ḥukm Ul-ʿIllah*

If you have understood all that we clarified before then you understand that this method is also corrupt, we will however here continue to clarify its falsehood further here, by the will of Allāh.

All of these three types of  $qiy\bar{a}s$  are the same  $qiy\bar{a}s$ , they say regarding them. "Whenever Allāh or His Messenger mention a reason for a ruling, we must use the ruling that reason came with every time that reason is applicable."

Some of *ahl ul-zāhir* have said to them, "What do you say about a human that says during his lifetime or right before passing away, 'Free my slave Maymun because he is black.' While he has many black slaves, do you then free all of them because of the '*illah* black based upon *qiyās* from Maymun, or do you not free all of them except for Maymun alone? If they say, 'We free all of them,' then they contradict their own *fatāwa*, and oppose *ijmā*'. If they say, 'We do not free except for Maymun.' Then they have abandoned their method of '*ilal* and *qiyās* and return to the truth." They have said what is correct and we will mention additional clarification to, by the will of Allāh.

Do you not see that anyone would always inquire additionally what exactly that 'illah mentioned entails? When he gave the reason, 'Because he is black.' Anyone with even a modicum of comprehension knows that he initially only frees Maymun and that he cannot get to know, if he must free the remaining black slaves or not, except after asking it again.

The Prophet sordered the commanders of an army, "When you invade the fortress and its people offer to surrender and want the matter referred to Allāhs ruling, then do not allow this, for you do not know whether or it goes according the ruling of Allāh regarding them. But let them surrender and have



the matter referred to your ruling and make a decision about them later on as you wish."502

This narration from the Prophet indicates a very clear order not to attribute anything to Allāh, including his religion and his rulings without certainty and that attributing a matter to a any human is better without certainty than attributing it to Allāh, even if what is attributed is false. the Prophet said, "Indeed a lie upon me is not like a lie upon anyone else." 503

If *qiyās* and '*ilal* would be allowed then saying it without knowing with certainty that it is from Allāh or his Messenger would be allowed and the sayings of the humans and their ruling would be more worthy than the sayings of Allāh and his Messenger. But since all of them agree that whoever says, "Free my slave Salim, because he is black, while he has many black slaves, that then Salim only is freed, to prevent freeing who is not ordered to be freed and fearing changing the order of the one who gave the bequeathed

They should fear Allāh for what they said regarding the prohibition of the Prophet  $\stackrel{\text{\tiny{de}}}{=}$  to slaughter with the teeth because of it being a bone and his order to spill fat if in it dies a rat. Those rulings must not be transgressed in any way to every bone and every fat, and every dog and every cat. And when the Prophet  $\stackrel{\text{\tiny{de}}}{=}$  ordered the one urinating in stagnant water not to take  $wud\bar{u}$  from it and also not *ghusl*. This is not transgressed to prohibit defecating in it. and also not anything other than urine only.

Some of them clamored, "We would free all other black slaves as well if the bequestor would say, 'Free my slave Salim because he is black,' and would say after that, 'And do I'tib $\bar{a}r$ .' We would then be obliged to free all black slaves."

The answer: This is corrupt of them for two reasons. Firstly, even if he said that, it does not in any way possible indicate freeing all black slaves, because making I ' $tib\bar{a}r$  is not more likely to mean  $qiy\bar{a}s$ , which is false, than, "Do I ' $tib\bar{a}r$  of my situation which I am in, and hurry to obedience to All $\bar{a}h$ , do not oppose my bequest."

And also whoever uses this false answer obliges himself not to ever any  $qiy\bar{a}s$  from any of the  $ahk\bar{a}m$ , except if there is in every single narration or verse the mention at the end the order to perform I tib $\bar{a}r$  which does not exist in anything from the  $ahk\bar{a}m$  and also not a single narration, from here once

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<sup>502</sup> Sunan Abī Dāwūd 2612

<sup>503</sup> Sahīh Muslim 4, 1/10

more the falsehood of  $qiy\bar{a}s$  and 'ilal becomes clear once more. Especially since we clarified the correct meaning of I'tib $\bar{a}r$  in the greatest of details.

The question we imposed remains. And we add to it: Even if he had then said, "Perform I ' $tib\bar{a}r$ ," if he then said on another day after freeing the slaves, "Slaughter my goat because he is lame," while he has many lame goats, are you then going to slaughter all lame goats he has because of what he said yesterday with his order of freeing his slave and to make I ' $tib\bar{a}r$  then? While he only said ordered I ' $tib\bar{a}r$  once for one of the orders but not the other. Is then the order to make I ' $tib\bar{a}r$  once sufficient? Or do you not perform I ' $tib\bar{a}r$  once is sufficient." They have abandoned  $ijm\bar{a}$ , and it is not that which they believe in reality. If they would believe that they would believe also in that which has not a single trace of evidence, claiming falsehood. And if they admit that they do not believe that it indicates an I ' $tib\bar{a}r$  for every ruling they have abandoned  $qiy\bar{a}s$  as the other option implies looking for a word in every single verse and  $had\bar{t}th$ , this is something that does not exist.

Some of them say, "The speech of humans may be false and have no hikmah (wisdom). While the speech of Allāh is always hikmah."

If these reasons mentioned by the human when he made his bequests are not wisdom, then what is this wisdom which you mean? There is nothing false about the speech of humans on bequests which is a matter Allāh, His Messenger and  $ijm\bar{a}$  of the entire ummah have allowed, it does not ever come close to becoming  $makr\bar{u}h$  let alone prohibited and everything allowed is not false. Since they agree with us that bequests is allowed, it becomes apparent that it is truth and their falsehood becomes apparent.

We ask them: Why do you exaggerate and insist believing the falsehood which has no *hikmah* in it from the sayings of Abū Ḥanīfah, Mālik and Al-Shāfi ī, while there is certain *hikmah* in the words of Allāh and His Messenger , to a point that you do not take from the *nuṣūṣ* except what goes according the sayings of those three, their companions and others. You insist on going against the *sunan* and *ijmā* for falsehood.

Our companions from *ahl ul-ṣāhir* have said against 'ilal and qiyās, "Allāh prohibited the people from asking his Messenger and ordered them to limit to what they are able to understand from what is ordered only. If what was intended from the text would be also that which is not heard from the Prophet (also texts), then they would be obliged to ask to attain understanding and to learn. Since they were prohibited from asking questions,



it is established that they are obliged nothing other than that which they are taught from the Prophet alone."

What is meant with, "If what was intended from the text would be also that which is not heard from the Prophet #," is  $qiy\bar{a}s$  with an 'illah that is  $mans\bar{u}sah$ .

Some of companions of 'ilal and  $qiy\bar{a}s$  answered, "The only prohibited question in that narration was to question about his father only."

The answer: This is a blatant lie because  $nus\bar{u}s$  make it very apparent that whatever this person says is false, no reason was mentioned that indicates specification for that reason. The verse rejects whatever he said, after the prohibition of questioning Allāh says, "Before you, a community asked such questions, then on that account they became disbelievers" [5:102]. Talḥā said regarding the verse, "We were forbidden from questioning the Prophet anything." And Anas said, "We were prohibited from Qurʿān to ask the Prophet about anything, so we liked it when a wise man from among the people of the desert came and asked him and we listened."

The Prophet said, "The greatest sinner amongst the Muslims is one who asked about a matter which had not been forbidden for the Muslims and it became forbidden for them because of his persistently asking about it." 505

The Prophet said, "Leave me with what I left with you. When I tell anything to you, then take it from me. The people before you were only destroyed by their excessive questioning and disagreeing with their Prophets. Abstain from what I forbid you and do what I command you to the best of your ability." 506

Making an 'illah a general ruling wherever it is found, or making it any ruling other than where it is placed by texts is qiyās. It is qiyās with an 'illah that is manṣūṣah. If a ruling is tied to an 'illah (sabab) which is mentioned by texts, then the ruling and what must be done is to apply that 'illah for the ruling it came with only, and that mentioned 'illah is only a general ruling if there are other texts that clarify clearly it being a general ruling. So an 'illah is never in of itself a ruling, nor does it move to other issues. All as clarified before.

<sup>&</sup>lt;sup>504</sup> Al-Sunan Al-Kubrā 2412, 3/89

<sup>505</sup> Sahīh Muslim 2358

<sup>506</sup> Sunan Al-Tirmidhī 2679

Another example for that is that if a man says to his agent, "Give this charity to Zayd because he is poor." There are two possibilities, he either ordered him to give the charity to Zayd only, or he ordered him to give it to Zayd and everyone else that is poor. One of these is not more likely than the other, no one can with certainty affirm that, it is not known unless there is additional evidence that clearly rule it as general. So it covers Zayd with certainty, as for other than Zayd that are also poor, it cannot be known except with additional certain evidence. What can be known from this, and such orders is that there only might be a relation between giving charity and poorness but this relation alone does not make it in of itself general.

The exact same is if a father says to his son, "Marry so-and-so woman for her religion," or "For her beauty," Or if he says, "Divorce your wife because of her bad character." None of this means that he ordered divorcing every single woman which he would have that has a bad character or the obligation of marrying women only for their religion or beauty, none of this applies with certainty except to what it is tied to, anything other than that is not known with any certainty. The same is if someone says to his agent, "Sell this house, because it is far and give its reward to Sa'īd because he is smart."

As for things that can be general, we said that it must have additional evidences that it is prohibited in general, such as if a man says to his son, "Do not eat this because it is poisoned." While this is prohibited in general without any doubt, it does in itself not indicate its prohibition in general. In these cases, there is always evidence that the reason given is also a clear ruling from texts.

Everything we have said is in reality view of the majority. Because the majority of those who believe in  $qiy\bar{a}s$  went with the view that an 'illah is that is tied to a ruling mentioned from Qur'ān and sunnah is of itself not enough for the obligation to apply  $qiy\bar{a}s$  to everything else that has that 'illah and also not from the 'aql. But they still apply this  $qiy\bar{a}s$  because they additionally believe that Allāh allowed  $qiy\bar{a}s$  for them. So the majority also believe in the exact same thing as us accept that they still do it because they believe  $qiy\bar{a}s$  is permissible. If they would not believe in  $qiy\bar{a}s$  they would also not have applied  $qiy\bar{a}s$  by using a far' returned to the ruling of the asl even if the 'illah is  $mans\bar{u}sah$ .

Al-Ḥusayn Ibn Al-Qāsim, "The only reason that texts (from Qurʿān and sunnah) tied to an 'illah are not sufficient (to place that 'illah to anywhere other than where the 'illah belongs) according to the majority is because of



the possibility of it being merely something that must be accepted and obeyed. If it is said, 'Khamr has been prohibited due to intoxication, the 'illah is assumed to be intoxication and assumed to be applied for anything that is intoxicating.' While it is the case that this can be assumed, it is prevented to apply qiyās without an additional order. Abū Ṭālib validated the view of the majority correct (that an 'illah that is mansūsah can in of itself not be applied for anywhere other than where Allāh and his Messenger used it for), because a ruling that has an 'illah that is mansūsah does not preclude the possibility that the 'illah may relate solely to the ruling it came with from the nuṣūṣ only. Because if it's 'illah would extend and include anything else it loses its validity. For instance, a father might believe that giving his son a garment or a coin encourages obedience and a path of righteousness, but if he increases this, it might lead to corruption. In this manner, Allah Almighty said, 'If Allah were to increase provision for His servants, they would commit tyranny throughout the earth. But He sends down in an amount that He wills. Indeed, He is, of His servants, Acquainted and Seeing' [42:27]. So it is then not allowed to apply that which is not *manṣūṣ* explicitly to what is *manṣūṣ*, except if there are additional evidences which would make it a valid *qiyās*"507

As for the  $qiy\bar{a}s$  part as clarified before it is false, as for what he and the majority say about the 'illah that is  $man \bar{y}\bar{u}\bar{y}$ , it is correct and it is the exact same clarified before.

As for Al-Shawkānī, he said, "They only differ if taking an 'illah that is  $manṣ\bar{u}ṣah$  is  $qiy\bar{a}s$  or if it is something which is taking directly from the texts, to the first, that it is  $qiy\bar{a}s$  is the view of the majority and to the second is the view of those who reject qiyas." 508

Al-Shawkānī, may Allāh have mercy on him, also claimed that there is no difference of opinion in using an *'illah* that is *manṣūṣah*, this is a false claim.

Abū Al-Walīd Al-Bājī also affirms that an 'illah that is manṣūṣah does not make it a general ruling such that anything that has that 'illah gets that ruling if it would not be the case that qiyās is permitted, he does not believe it becomes a general ruling. He also said, "If someone says, 'I have freed my slave Salim due to his blackness.' Or if someone says to his agent, 'Free him for his blackness.' The majority of those who believe in qiyās say, 'If it is

<sup>507</sup> Hidāyah Al-'Uqūl Ilā Ghāyah Al-Su'āl 2/480-482

<sup>508</sup> Irshād al-Fuhūl pg. 185

known from him [additionally] that he intended with that to free black slaves, then they are freed even if he did not mention them. But if it is not known additionally known from him that he intended that then it is limited only for that slave, and this is the Madhab of Mālik."<sup>509</sup>

It has become known from the <code>hanābilah</code> that an 'illah that is <code>manṣūṣah</code> is a general ruling and wherever that 'illah is found takes the ruling where that 'illah was mentioned from the <code>nusūs</code>.

And also an 'illah that is manṣūṣah, it can be from two types with no third to it: the 'illah can either seem similar to a compound amount of things or it can apply completely for everything. What is most of the cases the possibility is that it is compound and only seems to apply for a few things not every single thing that exists with that 'illah. Since this is the case there is no certain evidence to choose one of the two and this method becomes then false. The only certainty is limiting it to the ruling it came with alone.

And also claiming that such an 'illah' is general is false because the apparent and what is certain is always only that the 'illah applies with the ruling it came with, everything other than that are only assumptions, and it is not the apparent. Allāh says, "And they ask you about menstruation. Say, 'It is harm, so keep away from wives'" [2:222]. Keeping away during her menstruation is because it is harmful. And keeping away here means only Intercourse due to marfū' evidences for that. And intercourse in Arabic (wat') means the male private part entering the anus or the vagina. We know in this case that staying away from her here as an 'illah applies to both intercourse in the anus and vagina as both have certain marfū' evidences. So an 'illah that is manṣūṣah is only an evidence for the sole reason that there are additional certain evidences from Qur'ān and sunnah for it. Not for anything other than that. If there would be no evidence then the 'illah must remain in its place with its ruling where Allāh placed it.

Kabsha Bint Ka'b Ibn Mālik (wife of Ibn Abū Qatāda) said, "Abū Qatādah visited me and I poured out water for him for ablution. A cat came and drank some of it, and he tilted the vessel for it till it had had a drink. When he saw that I looked at him he asked, 'Are you surprised, my niece?' When I said that I was, he said that the Prophet said, 'It is not impure; it is only one of those [male or female] who go round among you.'"<sup>510</sup>

 $<sup>^{509}</sup>$  Iḥkām al-Fusul pg 481-482, 541-545

<sup>510</sup> Al-Mujtabā 68

There is difference of opinion on the authenticity of this narration, but what we intend to clarify is that the *'illah* mentioned here does not apply for animals other than cats. Those who believe in *qiyās* here apply this *'illah* for all animals that are among the humans except that all of them make exceptions to it and all of them have many differences to what must be excluded from all animals because it indicates that the left-over foods of all animals that are among humans. Some make only the swine an exception, which is the view if Mālik, some only make the dog and swine an exception which is the view of Al-Shāfi T and some make all predatory beasts an exception which is the view of Ibn Al-Qāsim. And others made the exception that meat which is permissible then its leftovers are also permissible, if its meat is prohibited then it's left over food are impure. As for the *ḥanābilah* they went with the view from this that the left-over food from hunting birds, mules and donkeys are impure. And Ibn Qudāmah said that the left-over food of any animal that is smaller than a cat such as a rat, weasel or insects are all pure not impure.

This is a difference which they have using this method in only one example and this happens for almost every single place where there is an 'illah manṣūṣah.

And also if it would be allowed to use an *'illah* that is *manṣūṣah* as a general ruling without additional evidence for it from Qur ʿān and *sunnah* then it leads to accepting also things that seem like an *'illah* but are not mentioned in the form of an *'illah*. We mentioned the forms of *'illah* before. An example is the narration that the Prophet said, "If skin is tanned it is pure."

The one that believes in *qiyās* can claim from this that the skin is pure because of the reason of tanning and then he will say everything that has the effect of tanning or is tanned then it is pure, no matter what it is, meat or organs of others. Or the narration that the Prophet said, "Whoever revives a dead land, it is his." They will say, "So whoever revives anything it is his even if it is other than a land."

And also their method regarding the narration about  $zak\bar{a}h$  on the freely grazing livestock this, this is all false and the form  $(\bar{s}\bar{\imath}ghah)$  of  $ta'l\bar{\imath}l$  is not even mentioned in these narrations but this view leads to that.

There are also many instances of a clear divergence between the ruling and the 'illah. This occurs when there might be an impediment to

512 Sunan Al-Tirmidhī 1379

<sup>511</sup> Sunan Abī Dāwūd 4123

implementing a specific ruling despite the presence of its 'illah. Likewise, there could be an indication necessitating a clear diversion of the apparent from the 'illah, Allāh the Most Exalted said, "So they prostrated, except for Iblīs; he was of the jinn, so he deviated from the command of his Lord" [Surah Al-Kahf: 50]. It is known that Iblīs deviated by disbelief, and it is clear from the verse that the 'illah of his disbelief was that he was of the jinn. This is a very clear example of our method and another certain evidence for it. Because among the jinn, there are believers and disbelievers. The noble verse does not indicate that disbelief applies to the jinn in general. We also know that Iblīs is not the only disbelieving jinn. So the 'illah that being from the jinn is disbelief is without any doubt not for all jinn and also not for Iblīs alone. It is instead known from additional texts that there are disbelieving and believing jinn. This directly invalidates the view of the minority who believe an 'illah that is manṣūṣah in of itself must be applied wherever that 'illah is found.

And also Allāh says, "And (remember) when your Lord said to the angels, 'Verily, I am going to place on earth a successive authority.' They said: 'Will You place therein those who will make mischief therein and shed blood, - while we glorify You with praises and thanks and sanctify You.' He (Allāh) said: 'I know that which you do not know'" [2:30].

The angels thought a successive authority was tied to the 'illah of those who make mischief therein and shed blood because of the fact that the progeny of the jinn would do this. It is then established that Allāh rejected this and told them, "I know that which you do not know." It is known that what they thought as an 'illah cannot be applied for everything that is an authority.

For example, you say, "Zaid was among the wealthy, so he spent in the way of Allāh." Here, the news is specific to Zaid from the category of the wealthy. As for the occurrence of the news without Zaid from the wealthy, it does not add more than it being permissible.

We will mention now some of the great amount of their contradictions, indicating the corruptness of their method. If we were to mention everything it would fill thousands of pages.

The Prophet said, "Let the curse of Allāh upon the Jews that fat was declared forbidden for them, but they melted it and then sold it and ate from its price." <sup>513</sup>

<sup>513</sup> Sahīh Al-Bukhārī 2223

According to this, they would have to accept according to their method to prohibit the sale of everything that is prohibited to eat. But they do not do that, most of them allow selling dung and there is also no difference of opinion from anyone that eating an animal while it is alive is prohibited without any difference of opinion and they do not differ in the permissibility of selling them.

They do the same with the sayings of the Prophet for  $istih\bar{a}dah$ , "For it is an 'irq." It becomes obligatory according to their method to make every flowing 'irq in the body the same ruling as  $istih\bar{a}dah$ . The same way they made the flowing effect of oil an 'illah' for the prohibition if a rat dies in it based upon  $qiy\bar{a}s$  from the prohibition if the rat dies in butter. But they instead contradict, and this is an agreement among them for abandoning 'ilal' and  $qiy\bar{a}s$  in this manner as they do not apply it according to their method as it should be. Falsehood becomes at times accompanied and at other times it is abandoned, the only correct method is then our view, that whatever is a sabab at a certain place from  $nus\bar{u}s$  with a certain ruling then it does not ever take the same ruling again in another place except if there is  $nus\bar{u}s$  for that.

Allāh says, "Indeed the polytheists are impure, so let them not approach al-masjid al-ḥarām" [9:28]. Some of them say regarding the verse, "The 'illah for it here is to keep the al-masjid al-ḥarām clean. We say: Use this 'illah for every single masjid then as it fits the conditions for iṭṭirād perfectly it becomes necessary on them also to as ḥajj is obligatory to Makkah for it to be also be applicable for Madīnah, since Madīnah is according to those who use 'ilal is greater than Makkah, if they should perform iṭṭirād the way it should be, but if they would apply it in these cases they would apostate without any doubt.

They must also perform  $qiy\bar{a}s$  on the obligation of compensating hunting at Madīnah because of its prohibition there based upon  $qiy\bar{a}s$  from its obligation for hunting at Makkah. Some  $t\bar{a}bi\,'\bar{u}n$  used  $qiy\bar{a}s$  here among the  $a\,'immah$ . If they do not perform  $qiy\bar{a}s$  in these they contradict their method and leave  $qiy\bar{a}s$  as it should have been applied.

They also say, "The 'illah of hudūd is to scold and to deter."

The answer: This is a lie, if that would be the case then forgiveness would not be something possible for killing a soul. And forgiveness would not be possible for zinā with slave girl and also not for sariqah. If it would be the case then sariqah which is stealing by stealth would not be earlier to deserve hadd than ghaṣb which is stealing forcefully. And khamr would not be earlier

deserving of hadd than pork and  $rib\bar{a}$ . And qadhf for  $zin\bar{a}$  would not be earlier than qadhf of kufr or for leaving the prayer.  $Zin\bar{a}$  would not be deserving of it more than leaving the prayer. So if that would be the 'illah then it would be necessary and obligatory to have  $hud\bar{u}d$  on every single sin that exists but instead for that ta' $z\bar{\imath}r$  exists. So the falsehood of their claim has become apparent.

The 'illah of gast of the prayer of traveling is because of hardship that is why it is narrated multiple times from one, two and three days. The answer is that this is from among the worst lies ever and most contradictory. Firstly, the claim that the origin for *qasr* is because of hardship. If Hardship would be the reason, then a sick person would deserve to perform gasr while he is not traveling earlier than a traveler who is not sick. These would deserve to shorten the prayer by a great amount more than a traveler that is healthy fit and young who travels using a car or plane, with having the best of meals during the drive and steps out however he wills and steps in however he wills if it is with car and has airco on for the shortest amount of qaṣr. While if a person is sick he has difficulties moving his arms, legs, it hurts to speak depending on the illnesses which can cause great difficulty. This 'illah is indeed a severely disastrous misguidance. And they still do not make the ruling of *qaşr* similar between a sick person and a traveler. While the ruling of sickness and traveling are made the same by Allāh for breaking the fasts of ramadān and for permissibility of tayammum. While they claim that 'illah and there exist other rulings with them being similar, none of the mu'allilūn ever allowed a sick person only without traveling to do qaṣr. Which a sick person would be more in need of according to their false method.

Even if it would ever be the case which it is not that the 'illah of shortening the prayer is hardship which we seek refuge from in Allāh. Then where is the hardship in who gets brought by car or plane, with having the best of meals during the drive and steps out however he wills and steps in however he wills if it is with car and has air conditioner on for the shortest amount of qaṣr. There is not a single hardship in any of these no matter the age of the person traveling. The ṣāḥābah used to do qaṣr with for only one kilometer distance which is not a hardship on anyone that lives on earth who is not sick. So the 'ilal they claim are all completely false and no one can ever get to know anything about these matters except if Allāh or his Messenger mentioned it who are not asked for the reason they reveal matters.

They also make ta 'līl of shuf'ah (right of preemption) of lands and the issue of emancipating a slave who is jointly owned, if the partner emancipates his share in the jointly owned slave then he must be freed by that partner completely, they say that the 'illah is to prevent harm for the partner. They contradict severely because they also say that there is no shuf'ah for jawhar and slaves, animals, swords or clothes. Every single human with the least amount of intellect knows that the harm that can be caused to those is far greater with a shared partnership and moving ownership of it by charity or selling than ownership of lands. They should then as it is necessary for them, perform qiyās on shuf'ah of figs and dates on the shuf'ah of lands because of fearing harm to the partner. And to also perform qiyās on the gifting his share to the partner because of the ruling of his selling. So that they can say, "His partner is more entitled to have it as a gift than others so that there may not be harm." This is all necessary for them.

If they return to the  $nus\bar{u}s$  they have sought guidance and then it becomes obligatory not to ever use  $qiy\bar{a}s$  and not to transgress where Allāh and his Messenger  $aspliestriction sets of the limits from the <math>nus\bar{u}s$ . And not to perform  $qiy\bar{a}s$  of shuf'ah on figs and other fruits without other tradeable items because of it being that which appears on lands or trade.

They should also do *qiyās* of imprisoning a shared slave on lands with wells of water based from emancipating a share in a shared slave because of them both including harm. This is how falsehood becomes clear and the severe contradiction. There is sufficient contradiction in what we have mentioned.

Allāh made *ḥadd* for *zinā* but did not make that for the one that has intercourse with animals while both are prohibited and he made *ḥadd* for *qadhf* of *zinā* but did not make a *ḥadd* like that for the one that does *qadhf* that someone did *kufr*. While this is worse than *zinā* and he made *ḥadd* for *sariqah* ten *dirhams* and he did not make that for the one that does *ghaṣb* of ten thousand *dīnārs* while this is a worse sin. And he made a *ḥadd* for consuming a sip of *khamr* but did not make a *ḥadd* for the one that drinks liters of urine or blood while all of it is prohibited. And he made a *ḥadd* for *Hirābah* but Allāh did not according to them make a *ḥadd* for *riddah* which is false and while it is worse. So their lies have become apparent and their claims about the *'illah* of *ḥudūd* being deterring and rebuking have all become false. If it would be as they said then all of the sins and major sins we mentioned would be earlier to be deterred and to be rebuked than the *ḥudūd* 

Allāh made as he wills without any 'illah that he mentioned for them. There is not any 'illah known for hudūd. Allāh made them and ordered them as he willed, he is not questioned why he did and for what reason it is and what its benefits are at all. No one is ever allowed to say about Allāh and his Messenger with that which they do not know. What we only know is that there is a torment, exemplary punishment and a disgrace only for the one doing what requires hudūd, and a kaffārah all as Allāh and his Messenger said, and none of that do they use as the 'illah. If deterring and rebuking would be the 'illah then lashing one hundred eighty times would be more of a rebuttal and a deterring than only eighty and cutting both hands, till the elbow or entire arm would be more of a deterring and rebuttal than only the hand. And cutting the tongue for the one doing qadhf would be more deterring and a rebuttal than lashing eighty times only. This is a certain evidence on the falsehood of ta 'līl and this is only one issues of the many they apply this method in.

Some of them also say, "The 'illah of which our opponents would use against us could be an 'illah to be used against them. An example for that is when the hanafiyyah and mālikiyyah say, 'Since standing at 'arafah is not valid except to what it is connected to which is in this case ihrām. And i'tikāf is not valid except with what it is connected to which is fasting,' the shāfi'iyyah say, 'Since there is no need to fast when standing at 'arafah, then it becomes necessary that fasting is not a condition for i'tikāf."

We say: The answer is that the 'illah' they all use here is for specific cases. Standing at 'arafah and remaining and residence in one place for i'tikāf are both specific rulings. Their books are filled with these distortions and false methods from their late comers. Them burdening others to bring 'ilal for every single ruling while they all disagree in almost every single issue indicates the severe falsehood of this method.

We will conclude this chapter by mentioning the words of Allāh that indicate the falsehood of their corrupt method. The book of Allāh is the absolute truth that destroys all falsehood. And everything that is false vanishes, whoever rejects this we recite the verse where Allāh, the Most Exalted said, "Nay, We fling (send down) the truth (this Qurʿān and sunan) against the falsehood, so it destroys it, and behold, falsehood vanishes. And for you is destruction for that which you ascribe to Allāh" [21:18].

And Allāh said, "And that those in whose hearts is disease and the disbelievers will say, 'What does Allāh mean with this example?' Thus does Allāh send astray whom He wills and guide whom He wills" [74:31].



And Allāh said, "And your Lord creates whatsoever He wills and chooses: no choice have they (in any matter). Glorified be Allāh, and exalted above all that they associate (as partners with Him)" [28:68].

And Allāh said, "(He is the) Doer of whatsoever He wills" [85:16] And Allāh said, "Verily, His Command, when He intends a thing, is only that He says to it, 'Be!' - and it is!" [36:82].

And Allāh said, "He cannot be questioned as to what He does, while [only] they will be questioned" [21:23].

And Allāh said, "See what examples they have put forward for you. So they have gone astray, and never can they find a way" [17:48].

And Allāh said, "And no example or similitude do they bring, but We reveal to you the truth (against that similitude or example), and the better explanation thereof" [25:33].

These verse are sufficient for the complete prohibition of *ta 'līl* a *mu 'allil* after knowing this disobeys Allāh.

When Allāh said, "And that those in whose hearts is disease and the disbelievers will say, 'What does Allāh mean with this example?' Thus does Allāh send astray whom He wills and guide whom He wills" [74:31]. Allāh clarified us in utmost clarity that searching for the 'illah of what Allāh intended is misguidance which is searching for the reason. The verse is not about the prohibition of searching for the intended meanings. Because it is obligatory to search for the intended meaning for every seeker of knowledge and for every single Muslim if it is a topic he must know about.

Allāh said, "Do not approach this tree, lest you be among the wrongdoers. But Satan whispered to them to make apparent to them that which was concealed from them of their private parts. He said: 'Your Lord did not forbid you this tree except that you become angels or become of the immortal. And he (Satan) swore by Allāh to them both (saying), 'Verily, I am one of the sincere well-wishers for you both.' So he made them fall, through deception. And when they tasted of the tree, their private parts became apparent to them, and they began to fasten together over themselves from the leaves of Paradise. And their Lord called to them, 'Did I not forbid you from that tree and tell you that Satan is to you a clear enemy?' They said, 'Our Lord, we have wronged ourselves, and if You do not forgive us and have mercy upon us, we will surely be among the losers'" [7:19-24].



Allāh also says about the story about Iblīs when he refused to perform *sujūd*, "He (Iblīs) said, 'I am better than him. You created me from fire, while You created him from clay" [38:76].

Allāh also said, "And indeed Iblīs did prove true his thought (*zann*) about them: and they followed him, all except a group of true believers" [34:20].

The mistake of  $\bar{A}$ dam was only from two aspects. First is him leaving the prohibition of All $\bar{a}$ h by not taking it as an obligation. Second is him accepting the saying of Ibl $\bar{a}$ s when All $\bar{a}$ h prohibited them from the Tree that it is only because of an 'illah which is for them not to become Immortal. With certainty these  $nus\bar{u}s$  clarify that  $ta'l\bar{u}l$  of All $\bar{a}$ hs orders are sinful, false and lies attributed to All $\bar{a}$ h.

The first thing that was ever used to disobey Allāh was *qiyās* without any doubt, which is the *qiyās* of Iblīs that he does not have to perform *sujūd* because of him being better than Ādam as Iblīs is from Fire and Ādam from soil. And also *ta'līl* was one of the very first things that Iblīs ever did when he said that Allāh prohibited them from the Tree that it is only because of an *'illah* which is for them not to become immortal. There is then no doubt that Iblīs was the first to ever perform *qiyās* and the first to ever perform *ta'līl* in the *sharā'i'*, *qiyās*, *zann*, *taqlīd* as they followed the *zann* of Iblīs and *ta'līl*, these are all the methods of Iblīs and the religion of Iblīs and it is opposing the religion of Allāh. We seek refuge in Allāh from any *qiyās* and any *ta'līl* and to affirm any *'illah* from the *sharī'ah*.

Allāh also said, "But Allāh's (torment) reached them from a place whereof they expected it not" [59:2]. Their method of 'ilal is nothing but expectations, while Allāh has clarified that his rulings are that which no one is able to expect.

And Allāh says, "Fighting has been enjoined upon you, even though you dislike it. But it maybe that you dislike something which is good for you, and you like something which is bad for you. Allāh knows and you do not know" [2:216].

Allāh tells regarding people who were ordered to give charity, "Those who disbelieve say to those who believe, 'Should we feed one whom, if Allāh had willed, He would have fed?' You are not but in clear error" [36:47]. This is nothing but rejection from Allāh about those who did *ta'līl* because they meant, "If Allāh wanted to feed those then he would have fed them without burdening us to feed them." There is not a single doubt that these *nuṣūṣ* 



establish the prohibition on any ta 'līl from any order and anything Allāh and his Messenger some with. The only thing that must be done is to follow it and accept it.

Allāh says, "For wrongdoing on the part of the Jews, We made unlawful for them certain good foods which had been lawful to them" [4:160]. They did wrong and it became prohibited for them, we do wrong and none of the good foods are prohibited for us which are allowed, for that reason.

And the Prophet said, "You will follow the false ways of those who came before you so completely and literally that if they should go into the hole of a mastigure, you too will go there. We said, 'O Messenger of Allāh. Do you mean the Jews and the Christians?' He answered, 'Who else?'"<sup>514</sup>

We will do wrong as they did nothing is prohibited for us from that which was prohibited for them. Since that is not the case then *ta 'līl* becomes also false and invalid to use. And we know that Allāh made their wrongdoing a *sabab* to prohibit for them what was prohibited for them and our wrongdoing was not made a *sabab* to prohibit us for what became prohibited for us. So it is then known that there is not a single place for *ta 'līl* and that Allāh should do a matter because of another thing, instead he does however he wills no matter what the place is and what the matter it is about. And he does that which he did differently in other places in any way he wills. He does not do the same thing in another matter because of him doing it in the previous matter that is absolutely false.

Allāh says, "So take off your shoes; for you are in the sacred valley, Tuwā" [20:12]. For Mūsā at the sacred valley of Ṭuwā, taking the shoes of was a *sabab*. As for if we are there and every other sacred place such as Makkah, we do not have to remove our shoes. If it would be an *'illah* it would be necessary for us to also remove our shoes there, Makkah and any other sacred place.

Allāh says, "And that those in whose hearts is disease and the disbelievers will say, 'What does Allāh mean with this example?' Thus does Allāh send astray whom He wills and guide whom He wills" [74:31]. This verse is sufficient for the prohibition of *ta'līl* in anything of the religion and also for the prohibition of saying, "Why was this prohibited while this is allowed," and also the one that says, "Wheat in exchange for wheat was only prohibited

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<sup>514</sup> Sahīh Al-Bukhārī 3439

because of it being a measurable or something that can be stored, or something that can be eaten." This is all a false *bid'ah*.

It is also known that the amount of differences regarding issues because of  $qiy\bar{a}s$  so much that thousands of pages can be written numerating them contradicting each other. While we know with certainty that differences of opinions prohibited by Allāh, the Most Exalted, as he said, "And those who differ therein are full of doubts. They have no (certain) knowledge, they follow nothing but conjecture" [4:157].

And He said, "But no, by your Lord, they will not [truly] believe until they make you, [O prophet], judge concerning that over which they dispute among themselves and then find within themselves no discomfort from what you have judged and submit in [full, willing] submission" [4:65].

And He said, "[We sent] messengers as bringers of good tidings and warners so that mankind will have no argument (*hujjah*) against Allāh after the messengers" [4:165].

And He said, "What is there after the truth, except misguidance" [10:32]. And He said, "Do not be like those who differed and divided" [3:105]. And He said, "And do not dispute with one another" [8:46].

And He said, "Mankind were one community and Allāh sent Prophets with glad tidings and warnings, and with them He sent down the Scripture in truth to judge between people in matters wherein they differed. And only those to whom (the Scripture) was given differed concerning it after clear proofs had come unto them through hatred, one to another. Then Allāh by His Leave guided those who believed to the truth of that wherein they differed. And Allāh guides whom He wills to the Straight Path" [2:213].

And He said, "Truly, the religion with Allāh is Islām. Those who were given the Scripture did not differ except, out of mutual jealousy, after knowledge had come to them. And whoever disbelieves in the verses of Allāh, then surely, Allāh is Swift in calling to account" [3:19].

And He said, "And We have not revealed to you the Book, except for you to make clear to them that wherein they have differed" [16:64].

And He said, "That is because Allāh has sent down the Book in truth. And verily, those who disputed as regards the Book are far away in opposition" [2:176].

And He said, "And We gave them clear proofs of the matter [of religion]. And they did not differ except after knowledge had come to them - out of jealous animosity between themselves. Indeed, your Lord will judge between



them on the Day of Resurrection concerning that over which they used to differ" [45:17].

And He said Allāh says, "And indeed We settled the Children of Isrāʿīl in an honorable dwelling place, and provided them with good things, and they differed not until the knowledge came to them. Verily, Allāh will judge between them on the Day of Resurrection in that in which they used to differ" [10:93].

And He said, "If Allāh had willed, succeeding generations would not have fought against each other, after clear Verses of Allāh had come to them, but they differed - some of them believed and others disbelieved. If Allāh had willed, they would not have fought against one another, but Allāh does what He likes" [2:253].

And He said, "And if your Lord had so willed, He could surely have made mankind one nation but they will not cease to differ except those whom Allāh has given mercy" [11:118-119].

And He said, "If you differ in anything amongst yourselves, then refer it to Allāh and His Messenger" [4:59].

And Allāh Almighty knows best, and to Him belongs abundant praise. And all of their assumptions are invalidated. Allāh Alone is Sufficient for us, and He is the Best Disposer of affairs.

So it is established from everything we mentioned that there is no  $qiy\bar{a}s$  in the religion of Allāh and no 'illah for any orders of Allāh and for none of his actions, from the first till the end, it is also not allowed to make a ruling similar to another. Their method is a bid'ah that appeared in the fourth century, no sahabi and no tabi' $\bar{i}$  never spoke regarding it. It is an issue that satan casted on the Muslims.

We have Finished clarifying the certain evidence on the falsehood of ruling by  $qiy\bar{a}s$  in the religion of Allāh the exalted. We seek great rewards. It has become clear to anyone just that  $qiy\bar{a}s$  is misguidance, sin, and a bid'ah which is not allowed for anyone to rule with in the religion. Let any person fear his Lord and not persist in opposing the truth. Let not the desire of directing persistence for a short time be the regret for a long time. Soon he will stand before the Knower of the unseen. Let him who rules by other than what Allāh revealed and the words of the Prophet to us beware. What will his hujjah be when he is asked about it? Be certain that the one who will be asked, "With what did you rule?" If his answer is, "By your words and the words of your Messenger sent to us." He frees himself from consequence.



Whoever adds on to that or transgresses it will see in the end, he will return the issue by  $taql\bar{\iota}d$  of his forefathers, Ra  $\bar{\iota}$  and  $qiy\bar{a}s$  as an answer. Soon you will remember what I am saying to you. And I entrust my affairs to Allāh. Allāh Alone is Sufficient for me, and He is the Best Disposer of affairs.

Chapter Thirty-Eight: What Exactly Is *Ijtihād*? Its clarification, And Who Is Excused With His *Ijtihād* And Who Is Not Excused With It, And Whose *Ijtihād* Is with Certainty Declared Mistaken With Allāh Where His *Ijtihād* Led To And Whom No Certainty Is Made That He Is Mistaken With Allāh Even If We Oppose Him

The word 'ijtihād,' the meaning of it must be known because most of those who speak about ijtihād and its ruling do not know its meaning. We say and Allāh is the source of strength: Verily the real construction of the word 'ijtihād' is that it is an ifti'āl form from 'al-juhd' and the reality of its meaning is: exertion of effort in seeking something desired to be attained where it is hoped to be found or where it is certain to be found. This is undisputed among ahl ul-lughah. And juhd with a dammah of the jīm means capability and strength; you say "this is my juhd," meaning my energy and capability. And 'jahd' with fath of the jīm means a bad situation and difficulty; you say "the people are in jahd," meaning they are in a bad state. So as that is the case, in the sharī'ah, ijtihād means the exertion of capabilities in seeking the ruling of (new issues or existing) where that ruling exists (of that ruling). There is no difference about this from anyone from ahl ul-'ilm. We only said about the meaning of ijtihād in the language, "Where it is hoped," and replaced that with seeking and we said about the meaning of *ijtihād* in the *sharī'ah*, "Where that ruling exists," and did not use hope (as in the meaning of the language) because the rulings of the sharī'ah are all certain that Allāh has clarified them without difference, and whoever says, "Allah and his Messenger did not clarify to us the sharī'ah which Allāh revealed and obliged us, there is no difference that he is a kāfir, so all of the rulings of the sharī'ah are all ascertained of their existence (to be found) for all scholars. Even if the existence of some rulings is difficult for some people to find, it is impossible for it to be difficult for all of them, because Allāh does not burden us with what is beyond our capacity. What is difficult for everyone to find, Allāh did not obligate us with (did not burden us) Allāh the Exalted said, "Allāh does not burden a soul beyond its capacity" [Al-Baqarah: 286].

And He also said, "And has not placed upon you in the religion any difficulty" [Al-Ḥajj: 78].

And by necessity, we know that any *taklīf* for which there is no possible way to fulfill it is *ḥaraj*.

So our statement is established, with Allāh's guidance.

Then, the scholars agreed that the Qur'ān and what the Messenger of Allāh judged, said, did, or approved of, while being aware of it, are sources for finding rulings on new issues.

Then they differed regarding the transmission of the Sunnah, as we mentioned earlier, and we provided certain evidences there, with Allāh's power and strength, on the obligation of accepting a narrated narration by the upright, reliable narrators and fully connected.

Then, they differed. A group said, "There is no place at all to seek the ruling of new issues (or existing) from the *sharī'ah* except these sources we mentioned (Qur'ān and Sunnah). Either a text that covers the issue by its exact wording, or a *dalīl* from them on the ruling of that new issue with only one possible meaning."

This is with certainty the view of all Muslims, even if they differ in the methods that lead to knowing the Sunnah. This is also the view of all our  $Z\bar{a}hir\bar{\iota}$  companions, and we adhere to it.

We have explained the types of *dalīl* mentioned previously in this book, and we clarified them there, and all praise is due to Allāh, the Lord of all worlds.

Others said there are other sources to seek the rulings of new issues, such as the *mursal* narration, the statement of a companion without known opposition from other companions if it is well-known, or even if it is not well-known. They also consider the statement of the ruler in authority among them, *dalīl al-khiṭāb*, *qiyās*, *raʿī*, *istihsan*, the consensus of most scholars, the practice of the people of Madīnah, and following the opinion of a scholar even if he has an equal opponent. We have clarified the meanings of these terms and invalidated rulings based on them or on any of them with necessary



evidence in the previous chapters of this book, and all praise is due to Allāh, the Lord of all worlds.

As for those who rely on the saying of a companion who has opponents or the saying of a  $t\bar{a}bi$   $\bar{i}$  or the saying from the earlier  $fuqah\bar{a}$  even if they are opposed by other scholars, this is  $taql\bar{i}d$  which we have previously discussed and invalidated entirely.

And today, those who speak about religion do not have a say that is considered as  $ijtih\bar{a}d$  other than what we have mentioned. There used to be sayings on this matter by some people of  $kal\bar{a}m$  that have faded away, such as the sayings of some who said, "That which comes to mind first is obligatory and must be taken."

Others said, "The heavier option must be taken because it goes against desire."

While some said, "The lighter option must be chosen due to Allāh's saying, 'Allāh intends for you ease and does not intend for you hardship."

These are all false because they are all claims that contradict each other. Everything Allāh has obligated upon us is ease, even if it is difficult for us. Every ruling that has *taklif* is against desire because abandoning it is in accordance with desire, as there can be whispers at the beginning of thought. Allāh condemned those who legislate in religion without His permission, and whoever asserts something in religion from their own thoughts has legislated in religion without Allāh's permission. Allāh said, "Produce your certain evidences if you should be truthful," [Al-Baqarah: 111] indicating that whoever does not have certain evidence is not truthful.

Allāh also said, "Fighting has been enjoined upon you while it is hateful to you. But perhaps you hate a thing and it is good for you, and perhaps you love a thing and it is bad for you" [Al-Baqarah: 216] This negates the saying of those who say the lighter option must be taken. Allāh also said, "He has not placed upon you in the religion any difficulty," [Al-Ḥajj: 78] which negates the saying of those who say the heavier option should be taken. It is clear that the only obligation is what Allāh has enjoined upon us, whether it aligns with our thoughts or not, and whether it is lighter or heavier.

And since the ranges of *ijtihād* have been restricted to what we have clarified with certain decisive evidences from the Qurʿān or the narration about the Prophet stransmitted by upright and reliable narrators connected to the Prophet, that the place of *ijtihād* is only a text that mentions the ruling by its exact wording or a *dalīl* from texts that can only bear one meaning.

Everything from the ways towards it (the ruling of the issues) else is invalidated by the limits we made (that it is  $Qur'\bar{a}n$  and Sunnah, nothing else is  $ijtih\bar{a}d$ ).

So it is obligatory to examine the categories of *mujtahids*. Upon examination, we find that the categories of *mujtahids*, by the 'aql, are confined to three categories with no fourth to it, but there are only two categories according to Allāh: either correct or incorrect.

Every *mujtahid* must necessarily fall into one of two categories according to Allāh: either correct or incorrect. We have previously clarified in this book the necessary certain evidences that the truth cannot exist in two differing opinions on a single ruling for a single person in a single situation.

As for the three categories according to us: one who is certainly correct according to Allāh, one who is certainly incorrect according to Allāh, and one about whom we are uncertain whether he is correct or incorrect according to Allāh.

We are certain that he falls into one of these two categories according to Allāh without doubt because Allāh does not doubt and possesses the real knowledge of everything. However, we say he is correct according to us or incorrect according to us and Allāh knows best, or we refrain (make *tawaqquf*) from saying he is correct or incorrect.

This only applies to cases where we have no evidence at all regarding the ruling. In such cases, it is not permissible for someone to issue a  $fatw\bar{a}$  if they are not certain of the ruling, as it is certain that others may have clarity on what is unclear to us, just as we may have clarity on what is unclear to others. No human is free from deficiency, forgetfulness, or oversight.

When the certain evidence is evident to a person regarding the correctness of his statement, it is his right/obligation to adhere to it, act upon it, call others to it, and assert that it is the truth according to Allāh, as we mentioned before. This is different from the testimony of two just witnesses, who may, in their inner selves, be lying or negligent, but Allāh has not burdened us with knowing the inner truth of what they testify to. Rather, He has obliged us with judging based on their testimony only. And we know that the truth (in any ruling, any issue) in religion cannot be hidden from all Muslims. There must always be a group of scholars who are certain about the correctness of a ruling, as we have previously explained in this book.

This is because the entire religion is guarded, its clarification and the cessation of the problems (the removal of ambiguity) all of these guaranteed



by Allāh's statement, "A clarification of all things" [An-Naḥl: 89], and His statement, "So that you may explain to the people what has been sent down to them" [An-Naḥl: 44].

However, Allāh also said, "There is no blame upon you for what you have done by mistake, but only for what your hearts intended" [Al-Aḥzāb: 5].

So it is established from the texts that mistakes are forgiven. So if someone rules with a saying without knowing it is wrong, while it is wrong according to Allāh, then this person has made a mistake but did not intentionally rule with what they knew to be wrong. There is no blame on them in this case according to Allāh. This verse general, so it applies to scholars, judges, practitioners, and believers. The blame is lifted from them by the texts of the Qurʿān for what they have said or done in error. The blame is only on those who intentionally give a *fatwā*, practice, rule, or act according to what they know is not the truth or by that which no evidence is presented forever. So it is established from this verse that if someone has evidence that a saying is false and persists in it, they are at fault because they have deliberately done so.

Similarly, the saying of the Messenger of Allāh, "If a *ḥākim* makes *ijtihād* and is mistaken, he will be rewarded once, and if he makes an effort and gets it right, he will be rewarded twice."

We have previously mentioned this narration with its chain of transmission in our book, so there is no need to repeat it. The Messenger of Allāh, explicitly stated that if a  $h\bar{a}kim$  is mistaken in his judgment, he will be rewarded for his  $ijtih\bar{a}d$  because his ruling led him to believe it was correct, absolving him of sin even if he was wrong in reality according to Allāh.

Believing in something, acting upon it, and issuing a *fatwā* based on it is equivalent to ruling by it, (the one doing it is a *ḥākim* and falls under the narration of the prophet). So they enter under the words of the narration, and under its general meaning, so what we have said is established, with Allāh's guidance and success.

The wrong *mujtahid* is divided into two categories with no third to it: either mistaken and excused, as we have said before, or mistaken and not excused, based on what is witnessed from the saying of Allāh, "There is no blame upon you for what you have done by mistake, but only for what your hearts intended" [Al-Aḥzāb: 5].

That the one mistaken and excused is the one that did not make the mistake on purpose, he is the one that believes he is upon the truth with his

*ijtihād*. And the one that is mistaken and not excused, he is the one that did on purpose with his heart what is established on him that it is a mistake or he is ascertain without his *ijtihād*.

As all of this is established by the texts, then let us return briefly, we say and Allāh is the source of strength: Verily the *mujtahidīn* are of two types:

Either correct and he receives two rewards. Or he is mistaken, and the one who is either mistaken and rewarded, and he is the one who did his *ijtihād* assuming that he was correct according to him. Or he is mistaken and not excused and also not rewarded, he is instead sinful. He is the one that speaks on purpose what he knows is wrong, or that which there is not established according to him *dalīl* for his *ijtihād* that it is the truth according to him.

Then we find on the one on who the *ḥujjah* is established on the falsehood of what he believes and he had no *ḥujjah* with him to contradict that mentioned *ḥujjah* against him, he is either from two types with no third to it.

Either his *ijtihād* takes him what he believed from that with certain, clear evidences with certainty that the doubt is removed. Then verily the certain evidences do not contradict, if that would be possible, then the truth would be contradictory and this is false with certainty. And if he is unable to object the *shaghab* mentioned to him, then his inability does not invalidate the firmness of the certain evidence, so he is obliged to continue upon the certain evidences.

Or he has  $ijtih\bar{a}d$  that led him to (where he is at) with an  $iqn\bar{a}$  or a shaghab, forgiving himself, defending against the opposing, not delving into investigation.

If the certain evidence is established against him from texts, and it becomes clear to him the corruptness of his *ijtihād*, then he is obliged to abandon what he was upon from all aspects and to return to the truth, if he does not do that then he is disobedient, a sinner, criticized and his testimony is invalid, because he preceded the *zann* over the *yaqīn* which is from the major sins, Allāh said, "Verily, they follow nothing but *zann* and indeed *zann* does not avail against the truth anything" [An-Najm: 28].

And the verse, "They following nothing but *zann* and what their souls desire and there has already come to them from their lord guidance" [An-Najm: 23].

This is texts from our saying: The one whom guidance reaches from his Lord, which is certain evidence, it is not allowed to abandon it and to



follow what the soul desires and assume it is the truth, it is not allowed to affirm that which his soul desires and what he assumes is the truth and to abandon the truth which is from Allāh.

And it is the same whether this certain evidence reaches him with his futyā or with his 'aqīdah' whether it is for his i 'tizāl, tashayyu', irjā' or his sharāyah. Whoever allows to doubt the certain evidence and to object it and to affirm that there is perhaps here another certain evidence that invalidates that certain evidence which is established against him, then this is the one that invalidates the truths all of them, and his saying leads to that nothing is ever real from the shara 'ī' except zann only, and this one is from the worst of the sinners.

As for the one that believes a saying without  $ijtih\bar{a}d$  at all, but by merely following those whom he lives with, then he is a blamed muqallid with certainty, whether the view he follows itself is correct or false, he is a sinner in any case, disobedient to Allāh, a  $f\bar{a}siq$ , invalidates his testimony, whether the view he follows is correct or not, because he did not seek it/intent it from where he was ordered to follow the texts, we have clarified it previously in our book, and Allāh is the source of strength.

If someone says, "Based on this you are implied that whoever says from the  $sah\bar{a}bah$  or from the  $t\bar{a}bi'\bar{\imath}n$  and the  $fuqah\bar{a}'$  of the ummah and the good ones among them a saying that opposes your saying in any issue then it is part of those whom you mentioned of  $takf\bar{\imath}r$ ,  $tafs\bar{\imath}q$  or lies."

This is a false claim on your part. Rather, it is a necessary implication of your own stance, as well as the stance of anyone who holds that the truth lies exclusively in one saying among differing views. This is because, in asserting the correctness of your opinion, you claim that it aligns with what has come from Allāh—whether through the Qurʾān, the Sunnah (whether *musnad* or *mursal*, as you regard them equally in terms of what Allāh commands to accept), or through  $qiy\bar{a}s$ , which you also consider to be something commanded by Allāh. So, it necessarily follows that anyone who opposes you—whether a companion, a  $t\bar{a}bi$   $\bar{b}$ , or a  $faq\bar{u}h$ —is, in your view, opposing what has come from Allāh. And according to you, anyone who opposes what has come from Allāh is either a  $k\bar{a}fir$  or a sinner ( $f\bar{a}siq$ ).

And if they admit, "He does not become a *kāfir*, *fāsiq* nor a disobedient except if he opposes the truth which came from Allāh while he knows that it is the truth," then this is exactly our saying and all praise is for Allāh.

For everyone that opposes the Qur'ān or authentic Sunnah or certain  $ijm\bar{a}$  and it is not clear to him that he opposed anything from it, then he is not a  $k\bar{a}fir$ , not disobedient and not a sinner, he is instead rewarded once just as the Prophet said regarding the one that does  $ijtih\bar{a}d$  and was mistaken. There is no mistake in anything from the  $shar\bar{\imath}'ah$  except if it is not from the Qur'ān or authentic Sunnah, this is our certain evidence from the Sunnah.

As for the Qur'ān, the saying of Allāh for the Muslims, "And there is no sin on you concerning that in which you made a mistake, except in regard to what your hearts deliberately intend" [Al-Aḥzāb: 5].

As for the  $ijm\bar{a}$ , there is no difference among anyone from the ummah that the one that recites the Qur'ān and changes something from the Qur'ān with another letter or omits sentences or adds forgetfully, accidently while being wrong then he does not apostate, is not a mubtadi' and also not a  $f\bar{a}siq$ .

The matter concerns those upon whom the certain evidences has been established, yet they stubbornly oppose the verse after becoming aware of it, either out of  $tawl\bar{\imath}d$  or following their own desires, or they oppose the Sunnah after knowing it. These are the ones who are subject to being declared  $kuff\bar{a}r$  or  $fuss\bar{a}q$  accordingly to their opposition. If they consider such opposition permissible, they are  $kuff\bar{a}r$ ; if they oppose it stubbornly without considering it permissible, they are sinners. This applies to all aspects of the  $shar\bar{\imath}'ah$ : prohibited intercourse, eating prohibited food, permitting prohibited honor, prohibited touching, and similar acts.

And whoever does any of these acts mistakenly, without knowing that they are against what came from Allāh through His Prophet , is neither a disbeliever, a sinner, nor disobedient.

Whoever does it intentionally without believing in the permissibility of what Allāh has forbidden is a sinner. And whoever does it intentionally while considering it permissible is a *kāfir*.

Allāh has protected every single companion and every single upright from these two states, he placed in those two states every *fāsiq* that follows his desire seeking to assist the falsehood and affirming it while he knows that it is falsehood.

As everything we said is established we will now clarify by the will of Allāh and his strength the manners of *ijtihād* which we previously mentioned, and the ruling of taking a way from them, and in which news

according to us certainty is affirmed about its correctness or certainty on its falsehood or *tawagguf* about the matter, and in Allāh we seek aid.

The first of that is the one that clings unto an abrogated verse, and this is of two types: that verse is either transmitted by tawātur about its abrogation or a certain dalīl from texts or a situation that it is abrogated. If its abrogation is affirmed through one of these ways, then its ruling is affirming what reaches him from the abrogated from Allah without doubt and as long as the certain evidence is not affirmed by him about its abrogation he is excused and rewarded twice. As for when the certain evidence mentioned is established with him that it is abrogated and he continues upon it by taking the abrogated, believing in its correctness, then he is a kāfir mushrik, his blood and property are permissible, just as the one that insists in claiming believing that for the widow there is a bequest for one year which is abrogated and the one that believes in praying to bayt al-magdis and the likes of this. As for when evidence is with him (with understanding) that it is abrogated by a certain text, as we mentioned, yet people differ regarding its abrogation, if he persists in advocating the abrogated, while knowing/acknowledging otherwise, he is a sinful transgressor against Allah, Exalted is He, for deliberately holding a view contrary to the correct truth. This is a deliberate major sin. And Allāh, Exalted is He, grants success. And if this verse is from those for which evidence has indicated its abrogation by a khabar al-āḥād, and he is someone who accepts such narrations as valid, yet persists in advocating it, then he is sinful for deliberately contradicting what he knows as truth. And when we do not say with certainty that someone is wrong, this does not happen except in the case with narrations that are narrated by thigāt only, except that there may exist a difference in the reliability of a narrator, and there is no exception beyond this. This is like a person who rejects the testimony of two just witnesses in what the judges accepted something else instead of their testimonies which is something that does not oblige rejecting their testimony, Such a person is sinful for rejecting what he knows to be the truth. even if it may be that he is right in the bāṭin for rejecting it, because those witnesses may be lying, or negligent, or unaware of some hidden truth in the testimony.

This brings us to a second issue: If someone adheres to a *makhṣūṣahah* (the general) verse, such as His saying, Exalted is He, "If you commit *shirk*, all your deeds will be invalid" [Az-Zumar: 65], then this is specific to one who dies as a disbeliever, indicated by certain decisive

evidences. So as long as the certain decisive evidence is not with his understanding that this is specific, his ruling is to continue to remain with the *makhṣūṣahah* (the general), he then gets two rewards. But if conclusive evidence is evident to him that it is specific, he is judged as we said in the previous case.

A third issue concerns a verse from which some aspects are specified, such as His saying, Exalted is He, "Say, I do not find within what was revealed to me anything forbidden to one who would eat it unless it be a dead animal, or blood spilled out, or the flesh of swine—for indeed, it is impure—or it be sin committed in the name of other than" [Al-An'ām: 145], and His saying, Exalted is He, "Prohibited for you are your mothers... And allowed for you is what is beyond that" [An-Nisā': 24]. Likewise, His saying, Exalted is He, "As for the thief, the male and the female, amputate their hands" [Al-Mā'idah: 38]. In such cases, his ruling is also to remain with what has reached him, and he is rewarded twice. But if conclusive evidence is evident to him and he persists, and it is deemed correct by him, he is a *kāfir*, like the one who makes *khamr* permissible based on the generality of this verse, or considers male slaves (intercourse with them) permissible through possession by the right hand (slavery).

A fourth issue is when one holds to a verse while another text added rulings to it, such as those who hold to His saying, Exalted is He, "Prohibited to you [for marriage] are your mothers... And permissible for you are [all others] beyond thee" [An-Nisā': 23-24]. What has been added to this verse from other texts is the prohibition combining a woman and her maternal or paternal aunt in marriage. Similar cases are numerous. In such cases, his ruling is also to remain with what reaches him and he is rewarded twice, as long as no evidence has been evident to him regarding the addition. If the evidence is valid with him and he opposes it believing opposition to the nass, he is a  $k\bar{a}fir$ .

A fifth issue is adhering to a verse while diverting it from its apparent meaning, like those who claim that in Allāh's saying, Exalted is He, "And bring two witnesses from among your men. And if there are not two men [available], then a man and two women" [Al-Baqarah: 282], and His saying, "And take for witness two just men from among you" [Aṭ-Ṭalāq: 2], claiming that this is contrary to the authentic <code>ḥadīth</code> from the Prophet regarding the judgment by the oath with the witness, and that these two verses oblige that no judgment can be based on less than two male witnesses or one male and

two females. This is a deliberate distortion, a negligence, or changing the verses by taking it from their places to other places. Because there is not in the two verses an order to judge by two witnesses or one witness and two women, nor is there any indication of this in it any way. There is only in them the order to take two witnesses or one witness and two women during transactions, divorces, and *raj'ah* only, as Allāh said, "And take witnesses whenever you transact a sale" [Al-Baqarah: 282], without specifying a required number, and one witness falls under that general word in the language so that suffices by the *naṣṣ* of the Qurʿān.

Likewise the one that clings unto the obligation of  $zak\bar{a}h$  by the verse, "And give its due  $[zak\bar{a}h]$  on the day of harvest" [Al-An am: 141], this is false because giving  $zak\bar{a}h$  on what the earth produces cannot occur on the day of harvest, and this verse is from the Makkan period, while  $zak\bar{a}h$  became an obligation in Madīnah. So it is established that whoever uses this verse as evidence for the rulings of  $zak\bar{a}t$  diverts the verse from its place. Whoever is ignorant of this and uses these two verses as evidence in what we have mentioned is mistaken, as Allāh, the Exalted, never ordered what he claimed. But, due to his ignorance, he is rewarded once and excused.

If he is aware of what we mentioned and persists in his claim, he is a sinner or a  $k\bar{a}fir$ , as we divided earlier, and he is certainly mistaken in the sight of Allāh, the Exalted, due to what we mentioned before.

All these sections apply to those who cling to the  $had\bar{\imath}th$  as we mentioned earlier, exactly the same as someone who relies on an abrogated  $had\bar{\imath}th$ , a  $makhs\bar{\imath}us$  one, or one with some specifications, or one with additions.

This is, as we said about the verses, exactly the same, except that he is not a  $k\bar{a}fir$  unless he rejects a  $had\bar{\iota}th$  that is evident to him. Even if there is a difference regarding acting upon it, as we said about the verses: If he opposes what he believes to be the truth, he is a  $k\bar{a}fir$  and mistaken in the sight of Allāh, the Exalted. And if he contradicts that with his tongue but not in his heart, then he is a sinner. Among what we mentioned is also the saying of the one who uses for the permissibility of the prayer in the graveyard as evidence, because of the Prophet praying over the grave of the black woman<sup>515</sup>. While this does not permit a prayer on the grave. And if he follows this, it is a  $qiy\bar{a}s$  and not a deviation of the narration from its place. Likewise, whoever uses the saying of the Prophet, ""When a person dies, his actions are cut off

<sup>&</sup>lt;sup>515</sup> Ṣaḥīḥ Muslim 956

except from three."<sup>516</sup> As evidence to reject performing hajj on behalf of the dead, to abandon fasting on their behalf, and to leave the uncovering of the head if he dies while in a state of *ihrām*.

Among them is one who claims about a general ('umūm) verse a takhṣīṣ, naskh, or claims it is only recommended. If it is evident to him that this is correct because of an authentic text, then his saying is decisively correct with Allāh, Almighty. Whoever says that Allāh, Almighty, abrogated or specified these verses, or specified some of it, or that we are obligated by what is in them, or that Allāh intended from it something other than their apparent meaning, and does not bring forth an authentic text to substantiate his claim, has spoken of Allāh without knowledge.

These people are not like those we mentioned before, because those who adhere to a text that for which it has not reached them of its abrogation, and what they adhere to, its specification has also not reached them, nor what has been added to what they adhered to from the texts: they have acted correctly by obeying what has reached them. They are not accountable for anything beyond that until contrary evidence reaches from another text and is evident to them.

And among those we mention in this section are those who do not cling unto anything at all but judge in religion as they wish. This is very grave. Whoever says this from among those we observe, if he is forgetful or ignorant of what he has caused by his claim, he is excused by his ignorance until he is made aware of his error. If he is notified of it and persists in opposition to what he has received intentionally, he is not excused because he opposed the truth after it reached him.

As for those among the Companions, the Tābiʿīn, or those who preceded, from whom we hear something of this, and for whom it is possible to assume that they heard a text similar to it, they are excused, as we think of them with the best of assumptions (*husn al-zann*), and Allāh, the Exalted, has encouraged us to say, "Our Lord, forgive us and our brothers who preceded us in faith, and do not place in our hearts any malice toward those who have believed" [Al-Ḥashr: 10].

We do not have certainty that they ruled falsely in religion for which they had no *shubhah*, nor do we have certainty that the truth was made clear

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<sup>&</sup>lt;sup>516</sup> Şahīh Muslim 1631



to them in that matter which they were wrong in. There is no doubt that the truth was not clear to them in that matter.

As for those whom we observe now, or do not observe, about whom it is certain in our knowledge regarding their state and the extent of their actions, we are certain they have nothing beyond mere claim and speaking about Allāh, the Exalted, without knowledge. These people are sinners committing the gravest of sins, and we seek refuge in Allāh from disgrace.

And likewise, for someone who claims about a saḥīḥ ḥadīth which he has acknowledged as authentic or acknowledged the authenticity of something similar in its chain of transmission in other narrations, asserting abrogation, specification, or recommendation therein—it is as we said regarding one who makes such a claim in the verses, with no difference.

Among these: one who relies on a statement without finding any opposition to it and has no certainty that it is  $ijm\bar{a}$ . If he, for that reason, leaves the general meaning of a  $sah\bar{\imath}h$  text or the specific meaning of a  $sah\bar{\imath}h$  text, he is excused and rewarded once, even if he errs, as long as he has not been made aware of that text. However, if he becomes aware of it and persists in opposing it, he is a sinner for rejecting what he acknowledges as established, or a  $k\bar{a}fir$  if he consciously believes in opposition to the truth after it has reached his heart.

Among these: That he does not for opposition to the text which he acknowledges cling unto anything except the statement of a Companion, for whom no opposition is known among them—either widespread or not widespread—or he relies on the statement of the majority of scholars, while disagreement can exist. This is a very weak basis to rely on, as no one from the Companions—may Allāh be pleased with them—nor the majority of scholars, nor the practice of the people of Madīnah are saved from mistakes.

Except that it can overwhelm a person until he mistakenly perceives it as certainty, due to his failure in correct reasoning. This forgetting and mistake, frees him from blame until he is made aware of its falsehood. But if he persists after it is evident to him, he is a sinner for persisting in opposing Allāh's order and clinging to what Allāh has never ordered him to cling to, thereby innovating in the religion without Allāh's permission. Or a  $k\bar{a}fir$  if he intentionally with his heart opposes it after it has reached him and is evident to him.

And among them is one who relies on *dalīl al-khiṭāb* or *qiyās*. Such a person is also excused, rewarded, but mistaken in the sight of Allāh with

certainty, except that he is not a sinner unless the proof of the falsehood of these two is established against him and is evident to him. If decisive evidence from established, recurring texts is evident to him and he persists in affirming *qiyās* or *dalīl al-khiṭāb*, he is a sinner, as he remains firm upon what neither Allāh nor His Messenger permitted, as we previously clarified.

Among them is also one who relies on  $ra \, \bar{\imath}$  and  $isti h s \bar{a}n$ , which is weaker than everything that has been mentioned, as the shubhah upon which these two are based is the pinnacle weakness. There is not a single  $dal\bar{\imath}l$  for its validity; there is instead certain decisive evidence for their falsehood.

However, they have relied in this matter on two weak, invalid narrations that have also been misunderstood. One of them is the  $had\bar{\iota}th$  attributed to Muʻādh. If someone was confused by this and thought he was correct in it, he is excused and rewarded. If the evidence of the falsehood of ra  $\bar{\iota}t$  and  $istihs\bar{\iota}t$  is established against him and he persists in them, he is a sinner, for he has ruled in the religion with what Allāh did not permit.

Among them is one who relies on the statement of a Companion, when others from the Companions disagreed with him, or on the statement of a scholar who is below that rank, when other scholars have differed with him. This is *taqlīd* itself, and whoever does this is not a *mujtahid* at all, it is *ḥarām* not *ḥalāl*. Whoever assumes that he is excused in this and the prohibition of it has not reached him and has been evident to him. Nor did it reach him that there is a scholar that is more knowledgeable that opposes the one he clings unto, then he is excused. Because he believes this is the truth. But if he becomes aware and it is evident to him that another scholar contradicts the one he follows, then he is a sinner, as he has no *shubhah* to rely in following one man instead of another; this is instead clear misguidance, and we seek refuge in Allāh from disgrace.

As for the matters in which we do not regard our opponents as sinners, nor as mistaken in the sight of Allāh, but rather say: We are correct according to ourselves, and our opponent is mistaken according to us but rewarded, Allāh knows best. The most subtle and obscure of these cases is when two general verses or two authentic general *ḥadīths*, or a general verse and an authentic *ḥadīth*, reach a person, and in each of the verses, or each of the *ḥadīths*, or each of the verse and *ḥadīth*, is a specification for some of what is contained in the generality of the other text. Such as the verse, "Prohibited to you are... And that you combine two sisters [in marriage], except for what has already occurred" [An-Nisā': 23].



And then the verse, "Or what your right hands possesses" [An-Nisā': 3].

Or like the saying of the Messenger of Allāh, \*\* "There is no prayer for the one who does not recite the Fātiḥah," along with the saying of the Prophet, \*\* "When the Qur'ān is recited, then listen." <sup>517</sup>

Similarly, His saying, the Exalted, "And [due] to Allāh from the people is a pilgrimage to the House - for whoever is able to find a way thereto" [Āl 'Imrān: 97].

But then with the saying of the Messenger of Allāh, "It is not permissible for a woman who believes in Allāh and the Last Day to travel except with a husband or a *mahram*."

Our opponents say that the verse, "Prohibited to you are... And that you combine two sisters [in marriage], except for what has already occurred" [An-Nisā': 23]. That from this verse two sisters through slavery are specified as permissible because of the verse, "Or what your right hands possesses" [An-Nisā': 3].

And we say that the verse, "Or what your right hands possesses" [An-Nisā': 3] from this is specified as prohibited two sisters because of the verse, "Prohibited to you are... And that you combine two sisters [in marriage], except for what has already occurred" [An-Nisā': 23]. And our opponents say that the saying of the Prophet, "There is no prayer for the one who does not recite the Fātiḥah," that specified from this as permissible is the one following an *imām* because of the saying of the Prophet, "When the Qur'ān is recited, then listen."

And we say that the saying of the Prophet , "When the Qur'ān is recited, then listen," that specified from the obligation of listening without reciting is the Fātiḥah and that the Fātiḥah remains obligatory specifically because of the saying of the Prophet , "There is no prayer for the one who does not recite the Fātiḥah."

And our opponents say that Allāh's saying, "And [due] to Allāh from the people is a pilgrimage to the House" [Āl 'Imrān: 97] excludes women as an obligation because of the saying of the Messenger, "A woman is not to travel except with her husband or a *maḥram*."

<sup>&</sup>lt;sup>517</sup> Şaḥīḥ Muslim 404

And we say that the Prophet saying, "A woman is not to travel except with a *maḥram*," applies except what is specified from it, such as the saying of Allāh, "And [due] to Allāh from the people is a pilgrimage to the House" [Āl 'Imrān: 97] so it remains an obligation.

And while we use for such situations with  $had\bar{\imath}ths$  and  $\bar{a}y\bar{a}t$ , necessary, sound reasoning, the reliance of our opponents in this matter is still strong, while their aspect of evidence is false and in such cases the mistake is obscure not clear. We clarified these issues before.

Not even the scholars of vast knowledge, keen understanding, and fairness, are saved from such mistakes. And such are unlike what we have presented before, which leads to 'aṣabiyyah, nor is the falsehood obscure, hidden to anyone that is fair and has caution.

This is as long as no text is found that bears witness to one of the two understandings. If an authentic text indicating one understanding does exist, then the matter returns to what we mentioned in the previous sections, and there is no other way for it than to exist for Allāh, the Exalted, has guaranteed clarification of religion, as He says, "So that you may clarify to the people what was revealed to them and that they might reflect" [An-Naḥl: 44]. So, it is not possible that anything in religion remains obscure at all. Rather, it is all assuredly clear in an obvious manner. All praise is due to Allāh, the Lord of all the worlds.

The second scenario involves two authentic  $had\bar{\imath}ths$  that are in apparent contradiction, two conflicting verses, or a verse conflicting with an authentic  $had\bar{\imath}th$ . In one of the texts, prohibition is stated, while the other orders that very act, without one of the texts having any addition above the other text and there is no clarification which one of them is the  $n\bar{a}sikh$  and which one the  $mans\bar{\imath}kh$ . Just as with the text indicating that the Messenger of Allāh and drank standing and the text stating that he prohibited drinking while standing.

Whoever discards both narrations altogether and returns to the original ruling (which would have been the case if such narrations did not exist), or gives precedence to one of the two contradicting narrations due to it having a greater number of narrators or being transmitted by one more just and more reliable than the other, or something similar from the means of *tarjīḥ* which we have presented in our chapter on discussing narrations in this book and have clarified the ways of discerning the correct from the mistaken, this is also a situation where the mistake can be very obscure.



As for us, we say take from the additional ruling. Except that, we also say—and success is from Allāh—that whoever leans toward one of these methods in one place and then abandons it in another similar case, and takes from the other because of  $taql\bar{\iota}d$  of  $istihs\bar{a}n$ , then as long as he is not aware about his contradiction and the corruptness of his ruling then he is excused and rewarded.

But once he is aware and persists in it, he is sinful and disobedient to Allāh, the Mighty and Exalted, for following his own desire. Allāh, Exalted is He, said, "Do not follow desire, as it will lead you astray from Allāh's path" [Ṣād: 26].

And anyone who says something in religion for which there is no certain decisive evidence but based on an inclination he finds within himself is without doubt following his desire.

The third scenario is when a person relies on a weak *ḥadīth* without realizing its weakness, a *mursal ḥadīth*, or claims *tajrīh* of a narrator of an authentic *ḥadīth*, either due to *tadlīs* or something similar, or claims that the narrator made a mistake.

Whoever believes in the soundness of such matters (false methods) is excused and rewarded.

Till he abandons a similar *hadīth* in another instance or rejects another mursal hadīth merely because it is mursal and instead follows a different hadīth with similar defects to the one he previously rejected, while he is aware of this, if he persists, he is a sinner. Although certainty is not affirmed that he is mistaken in the sight of Allāh, he is, however, disobedient to Allāh, as he has ruled in religion with what he has himself testified to as invalid in another place, following his own desires (and false intention). He is then misguided by the text, similar to one who validates the testimony of two openly sinful individuals in a matter of which he has no knowledge of the authenticity or rejects the testimony of two upright individuals whose integrity is known, not based on any established fault in them and also not a knowledge of him that their testimony is false. Such a person is considered a sinner by the  $ijm\bar{a}$  of the entire *Ummah*, while it is possible that he can coincide what is the truth in the sight of Allāh, but since he had the audacity in going against what he was ordered without certainty, thereby disobeying Allah, and we seek refuge in Allāh from disgrace.

If someone asks: "What do you say about a person who receives a text from the Qur'ān or an authentic Sunnah that is a (mere) statement

(khabar) and not an order, except that this report has another text containing an exception or addition to it, which has not reached them?"

The answer, with Allah's guidance, is: This is unlike an order, because orders may be abrogated by other orders, obliging the individual to act according to what has reached them until the abrogating order reaches them. However, a (mere) statement (*khabar*) is not subject to abrogation. It is obligatory for us to believe in what has reached us because Allah only speaks the truth, and so does His Messenger. The person must also hold the belief that any specification or addition related to that khabar, which has not reached them, is true. We do not affirm rejection of anything not explicitly mentioned in that *khabar*.

This is as the Messenger of Allah defordered, "Do not believe the People of the Book when they narrate to you, nor deny them, for if you believe them, you will be affirming falsehood, and if you deny them, you will be rejecting the truth."

This is the ruling concerning narrations related to admonition (*wa* 'z) and similar matters. And with Allah is success.

As for statements  $(akhb\bar{a}r)$  whose wording does not allow for opposing understanding contrary to their apparent meaning, they are to be accepted as they are. It becomes obligatory to reject any conjecture that contradicts the explicit text of such statements. And with Allah is success. He is sufficient for us, and what an excellent Guardian! There is nothing worthy of worship in truth except Him; in Him do I place my trust.

We have almost completed our discussion on the fundamentals to the extent that Allāh has aided and facilitated for us, in line with what we pledged at the beginning of this book, aiming for thoroughness and completeness. We ask Allāh, Exalted is He, to make it purely for His sake, a call to His way, and a support for His cause, and to include us by the favor He has bestowed upon us among those He praised in His saying, "And let there be [arising] from you a nation inviting to [all that is] good, enjoining what is right and forbidding what is wrong, and those will be the successful" [Āli 'Imrān 3:104], and in His saying, "And Allāh will surely support those who support Him" [Al-Ḥajj 22:40]. So let us end our discussion as we began it, saying: All praise is due to Allāh, the Lord of all worlds, and blessings and peace upon our Master Muḥammad, His servant and Messenger. There is no power nor might except with Allāh, the Most High, the Most Great.



May Allah decree righteousness in both our present and future for everyone, grant us understanding in religion, sincerity in intention and action according to the Sunnah of the Master of the Messengers , without introducing innovations in the faith. May He make us among His believing, pious, and truthful servants, gather us with the prophets, the truthful, the martyrs, and the righteous. May He forgive us, our parents, and all Muslims—both the living and the deceased. May He ease the affairs of those in hardship, distress, sorrow, and oppression, as well as the sick among the Muslims. He is sufficient for us, and what an excellent Disposer of affairs. All praise is due to Allah, Lord of the worlds.

We finish everything here, all praise be to Allāh, the Lord of the worlds. Peace and blessings of Allāh be upon our master Muḥammad, His servant, His messenger. There is no power or strength except by Allāh. The Most High, the Most Great.

مَّمُّ الكِتَابُ بِحَمْدِ اللَّهِ بارِينا ... وَمَنْ بِلا شَكِّ بَعْدَ المؤتِ يُحْيِينا يا رَبِّ اغْفِرْ لِعَبْدٍ كَانَ كَاتِبَهُ ... يا قارِئَ الحَطِّ قُلْ بِاللَّهِ آمِينَا آمِينَ آمِينَ لا أَقْنَعُ بِواحِدَةٍ ... حَتَّى أُضِيفَ إِلَيْهَا أَلْفَ آمِينَا وَعَدْ عَلِمْتُ بِأَنَّ اليَدَ بالِيَةٌ ... خَتَ التُّرابِ وَيَبْقَى خَطُها حِينَا وَقَدْ عَلِمْتُ بِأَنَّ اليَدَ بالِيَةٌ ... خَتَ التُّرابِ وَيَبْقَى خَطُها حِينَا يا قارِئَ الحَيْرِ فِلْ الْعَيْنَيْنِ تَنْظُرُهُ ... لا تَنْسَ كَاتِبَهُ فِي الحَيْرِ وَاذْكُرْهُ يَا قَارِئَ الحَيْرِ وَاذْكُرْهُ بَا قَارِئَ الحَيْرِ وَالْكُوفِ السُّوءِ تَنْفَعُهُ يَا قَدْ كَتَبْتُهُ ... فَيَا لَيْتَ مَنْ يَتْلُو كِتابِي دَعا لِيَا لَعُلَّ إِلْهِي يَعْفُو عَنِي بِفَضْلِهِ ... وَيَغْفِرُ تَقْصِيرِي وَسُوءَ فِعَالِيَا لَعَلَّ إِلْهِي يَعْفُو عَنِي بِفَضْلِهِ ... وَيَغْفِرُ تَقْصِيرِي وَسُوءَ فِعَالِيَا لَعَلَّ إِلْهِي يَعْفُو عَنِي بِفَضْلِهِ ... وَيَغْفِرُ تَقْصِيرِي وَسُوءَ فِعَالِيَا لَعَلَّ إِلْهِي يَعْفُو عَنِي بِفَضْلِهِ ... وَيَغْفِرُ تَقْصِيرِي وَسُوءَ فِعَالِيَا لَعَلَّ إِلْهِي يَعْفُو عَنِي بِفَضْلِهِ ... لِلْأَجْرِ وَالفَوْزِ مِنْ رَبِي بِحُسْناهُ لَعَلَا عَلَى اللَّهُ الْدَي عَمْقُ عَبْنِي عَمْلُولُ عَنْ يُطَالِعُهُ ... بِحُسْنِ خاتِمَةٍ يَوْمَ أَلْقَاهُ وَسَائِلًا دَعْوَةً عِمَّنْ يُطَالِعُهُ ... بِحُسْنِ خاتِمَةٍ يَوْمَ أَلْقَاهُ وَسَائِلًا دَعْوَةً عِمَّنْ يُطَالِعُهُ ... بِحُسْنِ خاتِمَةٍ يَوْمَ أَلْقَاهُ وَسَائِلًا دَعْوَةً عِمَّنْ يُطَالِعُهُ ... لِكُاسِهِ السَّمَاواتُ فَهُو الواحِدُ البَارِي وَسَائِلًا وَسَائِلًا وَلَوْدُ مِنَ النَّارِي يَعْفُرْ لِكَاتِيهِ ... لَكُا السَّمَاواتُ فَهُو الواحِدُ البَارِي مَنْ النَّارِي مَنْ النَّالِي مِنَ النَّالِ فَي مَنْ مُنْ لِكَاتِيهِ ... لَعَلَّ كَاتِيهُ يَنْجُو مِنَ النَّالِ مِنَ النَّالِ مَنْ النَّالِ وَسُوءَ مِنَ النَّالِ عَلَى اللْهُ مَنْ يَعْمُونُ مِنْ لِكُولُ لَكَاتِهُ مِنْ النَّالِ الْمَالِعُلُولُ الْمَالِعُلُولُ الْمَالِعُ مِنَ النَّالِ الْمَالِعُ مِنْ السَّعْفُولُ لِكُولُ كَاتِيهِ ... لَعُلَا كَالْمَا مُعَلَى الْمَلْعُلُولُ السَّعَلْمُ السَلَعُولُ الْمُؤْلُولُ الْمَالِعُ اللْمُلْعُولُ الْمُؤْلُولُ الْمُؤْلُولُ الْم